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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

Richard Kadrey, Sarah Silverman, Christopher
 Golden, Michael Chabon, Ta-Nehisi Coates, Junot
 Díaz, Andrew Sean Greer, David Henry Hwang,
 Matthew Klam, Laura Lippman, Rachel Louise
 Snyder, Ayelet Waldman, and Jacqueline Woodson,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc., a Delaware corporation;

Defendant.

Case No. 3:23-cv-03417-VC

**PLAINTIFFS' FIRST SET OF
 INTERROGATORIES TO DEFENDANT
 META**

1 In accordance with Federal Rules of Civil Procedure Rules 26 and 33, Plaintiffs, by and
 2 through their undersigned attorneys, hereby request that Defendant Meta respond to the following
 3 First Set of Interrogatories separately and fully, in writing and under oath, within thirty (30) days of
 4 service hereof, in accordance with the following definitions and instructions.

5 DEFINITIONS

6 As used herein, the following words, terms, and phrases—whether singular or plural, or in
 7 an alternate verb tense—shall have the meanings ascribed below. Defined terms may not be
 8 capitalized or made uppercase. The given definitions apply even if a term in question is not
 9 capitalized or made uppercase. No waiver of a definition is implied by the use of a defined term in a
 10 non-capitalized or lowercase form:

11 1. “Agreements” means any oral or written contract, arrangement or understanding,
 12 whether formal or informal, between two or more Persons, including all drafts, versions,
 13 modifications, amendments, attachments, exhibits, and appendices thereof.

14 2. “All,” “Or,” and “And” should be understood to include and encompass “any”;
 15 “or” should be understood to include and encompass “and”; and “and” should be understood to
 16 include and encompass “or.”

17 3. “Communications” means oral or written communications of any kind,
 18 communicated directly or indirectly, Including, without limitation inquiries, complaints,
 19 discussions, conversations, negotiations, agreements, meetings, interviews, telephone
 20 conversations, letters, correspondences, memoranda, notes, telegrams, facsimiles, electronic mail
 21 (e-mail) messages and attachments, instant or direct messages (Including SMS messages, text
 22 messages, Apple iMessages, Slack messages, Teams messages), memoranda, documents, writings,
 23 or other forms of communications. The term “Communications” Includes instances where one
 24 party disseminates information that the other party receives but does not respond to.

25 4. “Complaint” refers to the operative complaint at the time documents are produced
 26 in response to these requests. At the time of service, the currently operative Complaint is Plaintiffs’
 27 First Amended Complaint. ECF No. 64.

28 5. “Concerning” refers to and includes “constituting,” “evidencing,” “supporting,”

“regarding,” “mentioning,” “reflecting,” “concerning,” “relating to,” “referring to,” “pertaining to,” “alluding to,” “responding to,” “proving,” “discussing,” “assessing,” “disproving,” “connected with,” “commenting on,” “about,” “showing,” “describing,” and/or logically or factually dealing with the matter described in the request in which the term appears.

6. “Defendant” means Defendant Meta Platforms, Inc.

7. “Document” is used in its broadest sense allowed by Rule 34(a) of the Federal Rules of Civil Procedure and includes, but is not limited to, any writings, drawings, graphs, handwriting, typewriting, printing, photostatting, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, Including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

This Includes:

- The originals, drafts and All non-identical copies thereof, whether different from the original by reason of any notation made on such copies or otherwise;
- Booklets, brochures, pamphlets, circulars, notices, periodicals, papers, contracts, agreements, photographs, minutes, memoranda, messages, appraisals, analyses, reports, financial calculations and representations, invoices, accounting and diary entries, inventory sheets, diaries, appointment books or calendars, teletypes, telefaxes, thermafaxes, ledgers, trial balances, correspondence, telegrams, press releases, advertisements, notes, working papers, drawings, schedules, tabulations, projections, information or programs stored in a computer (whether or not ever printed out or displayed), and All drafts, alterations, modifications, changes or amendments of any of the foregoing;
- Graphic or aural representations of any kind, Including, without limitation, photographs, microfiche, microfilm, videotapes, recordings, drawings, charts and motion pictures;
- All letters, words, pictures, sounds, or symbols, or combinations thereof stored in or

on any electronic, mechanical, magnetic, or optical device Including, but not limited to: (i) computer data storage devices (servers, laptops hard-drives, flash drives, discs, magnetic cards, and the like), (ii) the internet or “the Cloud” (such as e-mail, web posts, social media posts, internet pages, etc.), and (iii) information stored on cell phones.

8. “Identify” as it pertains to Persons means to describe each Person by name, residence address, residence telephone number, occupation, title, business address, and business telephone number. The term “Identify” as pertains to Documents means to state, to the extent known, the date the Document bears, if any; the title of the Document; the author(s) of the Document; the recipient(s) of the Document and the present location(s) or custodian of the Document.

9. “Including” and “Includes” are used to provide examples of certain types of information and should not be construed as limiting a request or definition in any way. The terms “Including” and “Includes” shall be construed as if followed by the phrase “but not limited to.”

10. “Llama 1” means the series of language models originally styled “LLaMA” and released by Meta in February 2023, as well as precursor models and variant models.

11. “Llama 2” means the series of language models of the same name released by Meta in July 2023, as well as precursor models and variant models.

12. “Llama 3” means the series of language models of the same name intended as a successor to Llama 2 and currently in development at Meta (according to a public statement by Meta in October 2023), as well as precursor models and variant models.

13. “Meta” means Meta Platforms, Inc., their respective parents, owners, directors, subsidiaries and any company, business entity or person in which any of them possess an ownership interest greater than five percent.

14. “Meta Language Models” means the series of large language models known as Llama 1, Llama 2, and Llama 3, as well as their precursor models and variant models.

15. “Person” means any natural person or any business, legal, or governmental entity or association.

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17
18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**

20 RICHARD KADREY, et al.,
21 Individual and Representative Plaintiffs,
22 v.
23 META PLATFORMS, INC., a Delaware
24 corporation;
25 Defendant.

Case No. 3:23-cv-03417-VC

**DEFENDANT META PLATFORMS, INC.'S
FURTHER SUPPLEMENTAL AND AMENDED
RESPONSES AND OBJECTIONS TO
PLAINTIFFS' FIRST SET OF
INTERROGATORIES**

Trial Date: None
Date Action Filed: July 7, 2023

PROPOUNDING PARTY: PLAINTIFFS RICHARD KADREY, SARAH SILVERMAN, CHRISTOPHER GOLDEN, TA-NEHISI COATES, JUNOT DÍAZ, ANDREW SEAN GREER, DAVID HENRY HWANG, MATTHEW KLAM, LAURA LIPPMAN, RACHEL LOUISE SNYDER, JACQUELINE WOODSON, LYSA TERKEURST, AND CHRISTOPHER FARNSWORTH

RESPONDING PARTY: DEFENDANT META PLATFORMS, INC.

SET NUMBER: ONE ONE

Pursuant to Federal Rule of Civil Procedure 33 and Local Rule 33, Defendant Meta Platforms, Inc. (“Meta”) responds as follows to Plaintiffs Richard Kadrey, Sarah Silverman, Christopher Golden, Ta-Nehisi Coates, Junot Díaz, Andrew Sean Greer, David Henry Hwang, Matthew Klam, Laura Lippman, Rachel Louise Snyder, Jacqueline Woodson, Lysa TerKeurst, and Christopher Farnsworth’s (“Plaintiffs”) First Set of Interrogatories (“Interrogatories”).

I. RESPONSES TO ALL INTERROGATORIES

1. Meta’s responses to these Interrogatories are made to the best of Meta’s current employees’ present knowledge, information, and belief. Said responses are at all times subject to such additional or different information that discovery or further investigation may disclose and, while based on the present state of Meta’s recollection, is subject to such refreshing of recollection, and such additional knowledge of facts, as may result from Meta’s further discovery or investigation. Meta reserves the right to make any use of, or to introduce at any hearing and at trial, information and/or documents responsive to these Interrogatories but discovered subsequent to the date of these responses, including, but not limited to, any such information or documents obtained in discovery herein.

2. To the extent that Meta responds to an Interrogatory by stating that Meta will provide information or documents that Meta deems to embody material that is private, business confidential, proprietary, trade secret, or otherwise protected from disclosure pursuant to Federal Rule of Civil Procedure 26(c) and/or Federal Rule of Evidence 501, Meta will only do so subject to the parties’ stipulated protective order governing the unauthorized use or disclosure of such information or documents with a designated “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL

1 - ATTORNEYS' EYES ONLY" or "HIGHLY CONFIDENTIAL – SOURCE CODE" distinction
2 (ECF No. 90, the "Protective Order").

3 3. Meta reserves all objections or other questions as to the competency, relevance,
4 materiality, privilege or admissibility as evidence in any subsequent proceeding in or trial of this
5 or any other action for any purpose whatsoever of Meta's responses herein and any document or
6 thing identified or provided in response to the Interrogatories.

7 **II. OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS¹**

8 Whether or not separately set forth in response to each Interrogatory, Meta makes these
9 objections to the following Instructions and Definitions:

10 1. Meta objects to the definition of "Agreement" as overbroad and unduly burdensome
11 to the extent that it encompasses oral contracts, arrangements, or understandings, including those
12 that are informal. Meta further objects to the definition of "Agreement" as vague, ambiguous, and
13 unintelligible as to the term "modifications" to the extent it is intended to mean something distinct
14 from "versions" or "amendments." Meta will construe "Agreement" to mean written contracts,
15 including drafts, versions, amendments, exhibits, and appendices thereof.

16 2. Meta objects to the definition of "Communications" to the extent it is inconsistent
17 with and otherwise seeks to circumvent the custodian and search term limits for electronic
18 communications (including emails and other electronic correspondence, and documents attached
19 thereto), as provided in the Stipulated Protocol regarding Electronic Discovery ("ESI
20 Order"). Meta will produce Documents, including Communications, pursuant to the terms of the
21 ESI Order, and any agreement to produce such Documents is explicitly in view of the terms of the
22 ESI Order. To the extent that Meta responds to a Request, including by agreeing to search for
23 relevant, non-privileged communications in Meta's possession, custody, or control, such response
24 is not a representation that any particular custodian or search term is appropriate. Meta expressly
25 reserves the right to object to any custodians and search terms proposed by Plaintiffs.

26
27
28 ¹ In connection with these First Supplemental Responses and Objections to Plaintiffs' First Set of Interrogatories, Meta has updated its objections to Plaintiffs' definitions of "Communications," "Llama 3," and "Meta Language Models" to address the entry of the ESI Order and the release of Llama 3.

1 **3.** Meta objects to the definitions of “Llama 1,” “Llama 2,” and “Llama 3” as vague
2 and ambiguous as to the undefined terms “precursor models” and “variant models.” Meta further
3 objects to these definitions as overbroad, unduly burdensome, and disproportionate to the needs of
4 the case to the extent that it purports to require Meta to produce documents or information
5 concerning large language models (“LLMs”) that were not publicly released and/or were not trained
6 on corpuses of text that include any of Plaintiffs’ allegedly copyrighted works. For the same reason,
7 Meta objects to these definitions to the extent that they purport to require Meta to produce
8 documents or information concerning LLMs that are not relevant to any party’s claims or
9 defenses. For purposes of these responses, Meta construes the term “Llama 1” to refer to the LLM
10 released by Meta as Llama on February 24, 2023, the term “Llama 2” to refer to the LLM released
11 by Meta under that name on July 18, 2023, and the term “Llama 3” to refer to the LLM released by
12 Meta under that name on April 18, 2024, July 23, 2024, and September 25, 2024.

13 **4.** Meta objects to the definition of “Meta” as overbroad, unduly burdensome, and
14 disproportionate to the needs of the case to the extent that it purports to require Meta to produce
15 documents or information concerning any “owners” regardless of shareholder interest and
16 shareholders with an ownership of in Meta of greater than 5%. Meta will construe “Meta” or “You”
17 to mean Meta Platforms, Inc.

18 **5.** Meta objects to the definition of “Meta Language Models” as vague and ambiguous
19 as to the undefined terms “precursor models” and “variant models.” Meta further objects to this
20 definition as overbroad, unduly burdensome, and disproportionate to the needs of the case to the
21 extent that it purports to require Meta to produce documents concerning LLMs that were not
22 publicly released and/or were not trained on corpuses of text that allegedly include any of Plaintiffs’
23 allegedly copyrighted works. For the same reason, Meta objects to this definition to the extent that
24 it purports to require Meta to produce documents that are not relevant to any party’s claims or
25 defenses. Meta will construe “Meta Language Models” to mean the models within the Llama
26 family of LLMs that have been publicly released by Meta, namely, Llama 1, Llama 2, Code Llama,
27 and Llama 3 (as those terms are construed above).
28

1 **6.** Meta objects to the definition of “Relevant Period” as vague, ambiguous, and
2 unintelligible, as it is defined circularly to mean “all times relevant to... the Complaint.” Meta will
3 construe the Relevant Period to mean January 1, 2022 to the present.

4 **7.** Meta objects to the definition of “Training Data” as vague, ambiguous, and
5 unintelligible as to the term “other material,” which is indefinite and undefined. Meta further
6 objects to the definition of “Training Data” as vague and ambiguous as to the phrase “considered
7 for use,” which, read literally, would encompass any dataset considered by any Meta employee,
8 regardless of the seriousness of such consideration and whether or not that consideration was ever
9 acted upon. Meta further objects to this definition to the extent it purports to include datasets (or
10 “considered” datasets) that include content to which Plaintiffs have made no claim of ownership
11 and which are not the subject of any allegations of copyright infringement by Plaintiffs. Meta will
12 construe “Training Data” to mean the “Books3” textual dataset used to train the Meta Language
13 Models (as construed above).

14 **8.** Meta objects to the definition of “You” and “Your” as overbroad, unduly
15 burdensome, and nonsensical, insofar as it refers to “the specific Defendant(s) producing
16 documents in response to these Requests.” There is only one defendant in this case, Meta, and this
17 response is to the Interrogatories, not any document requests. Meta further objects to this definition
18 to the extent it seeks to impose upon Meta an obligation to investigate information or documents
19 outside of its possession, custody, or control. For purposes of these responses, Meta construes the
20 terms “You” and “Your” coextensively with Meta (as construed above).

21 **9.** Meta objects to Instruction 1 to the extent that it purports to require more of Meta
22 than any obligation imposed by law, and would subject Meta to unreasonable and undue burden
23 and expense. Meta will supplement or amend its responses to these Interrogatories in accordance
24 with Meta’s obligations under Rule 26(e).

25 **10.** Meta objects to Instruction 2, which defines the “Relevant Period” as January 1,
26 2000 to the present. Such definition is overbroad, unduly burdensome, and disproportionate to the
27 needs of the case because it both precedes the existence of Facebook (and therefore Meta) by
28 several years, and the development of the Meta Language Models by decades. For the same reason,

1 the definition of “Relevant Period,” as applied to the Interrogatories, would encompass information
2 that is irrelevant to the parties’ claims and defenses. The Instruction is also inconsistent with the
3 definition of “Relevant Period” provided on page 3 of the Interrogatories and is therefore vague
4 and ambiguous. Meta will construe the Relevant Period to mean January 1, 2022 to the present.

5 **11.** Meta objects to Instruction 4 (referring to Fed. R. Civ. P. Rule 33(d)) on the ground
6 that it purports to require more of Meta than any obligation imposed by law, and would subject
7 Meta to unreasonable and undue burden and expense.

8 **12.** Meta objects to Instruction 6 (outlining additional obligations for allegedly
9 incomplete responses) to the extent that it purports to require Meta to investigate information
10 outside of its possession, custody, or control.

11 **13.** Meta objects to Instruction 8 (outlining additional obligations for any privilege
12 objection) on the ground that it purports to require more of Meta than any obligation imposed by
13 law, and would subject Meta to unreasonable and undue burden and expense.

14 **14.** Meta objects to Instruction 9 (outlining additional obligations for any work product
15 objection) on the ground that it purports to require more of Meta than any obligation imposed by
16 law, and would itself require disclosure of information protected by attorney-client privilege and/or
17 attorney work product doctrine.

18 **15.** Meta objects to Instruction 10 (building in a separate question for each
19 Interrogatory) on the ground that it purports to require more of Meta than any obligation imposed
20 by law, seeks disclosure of information protected by attorney-client privilege and/or attorney work
21 product doctrine, and seeks to circumvent Plaintiffs’ interrogatory limit.

22 **16.** Meta objects to Instruction 11 (purporting to require responses for “all predecessors,
23 successors, subsidiaries ... divisions and/or affiliates of Meta”), on the ground that it purports to
24 require more of Meta than any obligation imposed by law, and would subject Meta to unreasonable
25 and undue burden and expense. Meta further objects to Instruction 11 to the extent that it purports
26 to require Meta to investigate information outside of its possession, custody, or control. As such
27 the Instruction is overly broad, as well. Subject to any objections applicable to a particular
28

1 Interrogatory, Meta will conduct a reasonable, proportionate search for non-privileged, relevant,
2 responsive information within its possession, custody, or control.

3 **17.** In responding to all Interrogatories, Meta will comply with the requirements of the
4 Federal Rules of Evidence and Federal Rule of Civil Procedure 26.

5 **III. OBJECTIONS AND RESPONSES TO INDIVIDUAL INTERROGATORIES**

6 **INTERROGATORY NO. 1:**

7 Describe in detail the data You have used to train or otherwise develop the Meta Language
8 Models, Including, for each:

- 9 a. How You obtained the data, e.g., by scraping the data, purchasing it from third parties, or
10 by other means;
- 11 b. All sources of Data, including any third parties that provided data sets;
- 12 c. To the extent the data was derived from publicly available websites, a list of all such
13 websites and, for each, the percentage of the data corpus that is derived from that website;
- 14 d. The categories of content included in the data and the extent to which each category is
15 represented in the data corpus (i.e., as a percentage of data used to train the model);
- 16 e. All policies and procedures Related to identifying, assessing, vetting and selecting sources
17 of data for the model.

18 **RESPONSE TO INTERROGATORY NO. 1:**

19 Meta incorporates by reference its objections and definitions above, including to the terms
20 “You” and “Meta Language Models.” Meta further notes that the capitalized term “Related” is not
21 defined; Meta construes that term coextensively with “concerning.”

22 As an initial matter, Meta objects to this Interrogatory because it consists of multiple,
23 separate Interrogatories, each which count toward Plaintiffs’ limit under the Federal Rules. For
24 example, the question about what data used to train a model is separate from how it was obtained,
25 and further, subparts (d) and (e) are not subsumed within and necessarily related to the primary
26 question, and purport to require a calculation of percentages of data, and separate identification of
27 “policies” and “procedures” for (1) identifying, (2) assessing, (3) vetting, and (4) selecting data.
28 This Interrogatory consists of *at least* three Interrogatories, and depending on how it is interpreted,

1 many more. In answering the Interrogatory, Meta does not waive this objection.

2 Meta objects to this Interrogatory because, on its face, it does not exclude legal advice or
3 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine, in
4 particular as to subpart (e). Meta will not produce privileged materials or attorney work product.

5 Meta objects to this Interrogatory as vague and ambiguous as to the term “data,” which is
6 undefined. Meta will construe “data” to mean Training Data (as construed above).

7 Meta objects to this Interrogatory as vague, ambiguous, and unintelligible as to “percentage
8 of that data corpus that is derived from that website” because “data corpus” is undefined, and Meta
9 is accordingly unable to interpret and respond to subpart (c). Even if “data corpus” were defined,
10 the subject matter of subpart (c) would be overbroad, unduly burdensome, and disproportionate to
11 the needs of the case and seeks information that is not relevant to the parties’ claims and defenses.
12 Meta will not respond to subpart (c).

13 Meta objects to the undefined phrase “categories of content, which is vague, ambiguous,
14 and unintelligible.

15 Meta objects to this Interrogatory to the extent that it seeks information that is not within
16 Meta’s possession, custody, or control.

17 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
18 Protective Order and the ESI Order, Meta responds as follows: Meta incorporates by reference the
19 identification of datasets used to train Llama 1 that is included in the publicly available paper
20 “LLaMA: Open and Efficient Foundation Language Models.” Such datasets were used to train
21 Llama 1. Meta will produce a copy of that paper in its forthcoming production pursuant to Rule
22 33(d).

23 Meta will conduct a reasonable search for additional non-privileged information or, in
24 accordance with Rule 33(d), documents in Meta’s possession, custody, or control, sufficient to
25 show any other datasets used to train the Meta Language Models (as construed above), as well as
26 policies and procedures for identifying, assessing, vetting, and selecting sources of data for those
27 models.

28 Discovery is ongoing and Meta will also supplement its response to this Interrogatory to

1 identify the sources of such datasets and general categories of data within them, to the extent that
 2 such information is within Meta's possession, custody, or control.

3 Discovery is continuing and Meta reserves the right to supplement or amend its response at
 4 a later time.

5 **Meta's First Supplemental and Amended Response to Interrogatory No. 1:**

6 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
 7 Protective Order, Meta responds as follows.

8 **This response is designated as Highly Confidential – Attorney's Eyes Only under the**
 9 **Protective Order.**

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
14	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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28					[REDACTED]

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INTERROGATORY NO. 3:

Describe in detail the RLHF process for each Meta Language Model. Include in Your response:

- a. Examples of types of experts who write questions and answers for use in RLHF;
- b. Examples of questions and answers;
- c. An explanation of the rating system or method of evaluation for the Meta Language Model’s responses;
- d. A description of the RLHF You actually undertook in order to correct or remediate any Meta Language Model’s propensity to emit protected expression from its Training Data.

RESPONSE TO INTERROGATORY NO. 3:

Meta incorporates by reference its objections and definitions above, including to the terms

1 “Meta Language Model,” “You,” and “Your.”

2 As an initial matter, Meta objects to this Interrogatory because it consists of multiple,
3 separate Interrogatories, each which count toward Plaintiffs’ limit under the Federal Rules. For
4 example, the question about the RLHF process is separate from subpart (b), which asks for
5 “examples of questions answers” or subpart (c) which asks for a description of a rating system.
6 Moreover, subpart (d) asks about steps taken to “correct or remediate” *any* language model’s
7 “propensity” to emit “protected expression,” which is a separate inquiry altogether. This
8 Interrogatory consists of *at least* three Interrogatories. In answering the Interrogatory, Meta does
9 not waive this objection.

10 Meta objects to this Interrogatory as vague and ambiguous as to “examples of types of
11 experts.” Meta will construe this phrase to refer to examples of the general background of
12 individuals who have written questions and answers for use in connection with RLHF for Meta
13 Language Models (as construed above).

14 Meta objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate
15 to the needs of the case and seeks information that is not relevant to the parties’ claims and defenses,
16 in particular as to subparts (a)-(c).

17 Meta objects to this Interrogatory to the extent that it seeks information that is not within
18 Meta’s possession, custody, or control.

19 Meta objects to the counterfactual presumption and characterization of its language models
20 as having a “propensity to emit protected expression” from training data. Relatedly, “protected
21 expression” appears to call for a legal conclusion and is otherwise vague.

22 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
23 Protective Order and the ESI Order, Meta responds as follows:

24 **This response is designated as Confidential under the Protective Order.**

25 [REDACTED]

26 [REDACTED]

27 [REDACTED]

28 [REDACTED]

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Meta's First Supplemental Response to Interrogatory No. 3:

Subject to and without waiving the foregoing objections, and pursuant to the terms of the Protective Order, Meta identifies the following documents as containing examples of questions and answers used during the RLHF process: Meta_Kadrey_00014794-00015376, Meta_Kadrey_00016896-00017243, Meta_Kadrey_00017244-00018017, Meta_Kadrey_00019182-00019625, and Meta_Kadrey_00022649-00022996.

Meta has produced a copy of "Llama 2: Open Foundation and Fine-Tuned Chat Models" as Meta_Kadrey_00000001-00000077. Pursuant to Rule 33(d), Meta also refers Plaintiffs to the paper titled "The Llama 3 Herd of Models," published by Meta on July 23, 2024, for further information.

Meta's Second Supplemental Response to Interrogatory No. 3:

This response is designated as Confidential under the Protective Order.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

INTERROGATORY NO. 4:

Describe in detail the policies and procedures that You follow in order to assess risk, safety, and alignment before You release a new Meta Language Model to the public, whether paid or free.

Include in Your response:

a. A description of the risks taken into consideration, including the risks that a Meta Language Model will emit protected expression from its Training Data;

b. A description of the individual(s), type(s) of individual by title and area of expertise, or department(s) responsible for determining whether the Meta Language Model is ready to be released;

c. A list of all instances where a Meta Language Model was released to the public after passing this review;

d. A list of all instances where a Meta Language Model was not released to the public after failing this review;

e. A list of all instances where a Meta Language Model was released to the public despite failing this review, and which individual(s) were responsible for overriding the result of this review.

RESPONSE TO INTERROGATORY NO. 4:

Meta incorporates by reference its objections and definitions above, including to the terms “Meta Language Model,” “You,” and “Training Data.”

As an initial matter, Meta objects to this Interrogatory because it consists of multiple, separate Interrogatories, each which count toward Plaintiffs’ limit under the Federal Rules. The Interrogatory consists of *at least* four Interrogatories, which count toward Plaintiffs’ limit. For example, subparts (c), (d), and (e) are not subsumed within and necessarily related to the primary question. In answering the Interrogatory, Meta does not waive this objection.

Meta objects to this Interrogatory because, on its face, it does not exclude legal advice or opinions, which are subject to attorney-client privilege and/or attorney work product doctrine, in particular as the subject matter of the Interrogatory encompasses policies and procedures that are

1 legal in nature. Meta will not respond to subparts (a), (d), and (e).

2 Meta objects to the phrase “risk, safety, and alignment” as undefined and thus vague and
3 ambiguous. Meta also objects to the phrase “this review” as vague, ambiguous, and undefined,
4 and, in particular, to the extent that it implies anything about the type of “review,” if any, undertaken
5 by Meta.

6 Meta objects to the counterfactual presumption and characterization of its language models
7 as having a propensity to “emit protected expression” from training data. Relatedly, “protected
8 expression” appears to call for a legal conclusion and is otherwise vague.

9 Meta objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate
10 to the needs of the case and seeks information that is not relevant to the parties’ claims and defenses,
11 in particular to the extent it seeks information concerning policies and procedures that have no
12 bearing on issues related to U.S. copyright law.

13 Meta objects to this Interrogatory to the extent that it seeks information that is not within
14 Meta’s possession, custody, or control.

15 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
16 Protective Order, Meta responds as follows:

17 **This response is designated as Confidential under the Protective Order.**

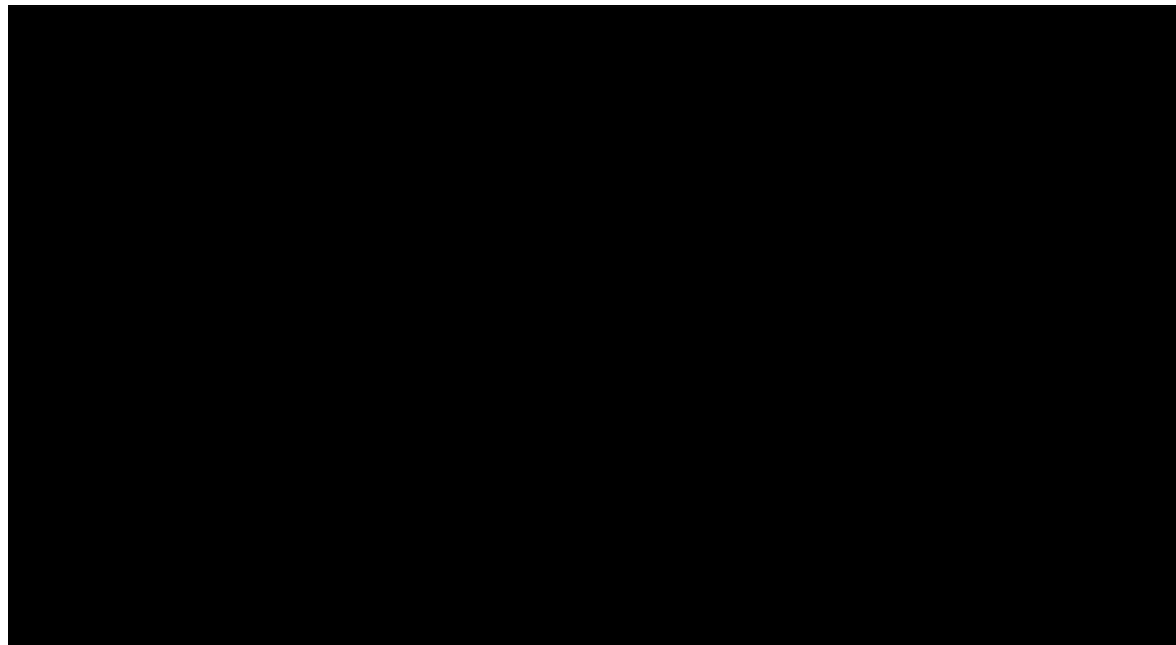
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1 Discovery is continuing and Meta reserves the right to supplement or amend its response at
2 a later time.

3 **Meta's First Supplemental Response to Interrogatory No. 4:**

4 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
5 Protective Order, Meta identifies the following additional individuals:

6 **This response is designated as Confidential under the Protective Order.**



17 **Meta's Second Supplemental Response to Interrogatory No. 4:**

18 Meta considered a number of risks in conjunction with development and release of the Meta
19 Language Models (as construed above), including risks associated with data privacy, product
20 safety, intellectual property, social risks (e.g., toxicity and bias), and risks that the models could be
21 abused by bad actors, among other risks. Meta made significant investments to mitigate these risks
22 prior to release of the Meta Language Models (as construed above), in particular Llama 2 onward,
23 and all such models were determined by cross-functional stakeholders to be suitable for release.
24 *See e.g.*, M. Clark 11/13/2024 30(b)(6) Dep. 11:15-22, 16:6-18:15, 101:3-103:22.

25 **INTERROGATORY NO. 5:**

26 Identify all Agreements between and among:

27 a. You and anyone associated, affiliated, or having any connection with data used to
28 train the Meta Language Models;

1 b. You and directors and officers of Defendants or Related Entities with a more than
2 five percent interest held by directors and officers of Defendants.

3 **RESPONSE TO INTERROGATORY NO. 5:**

4 Meta incorporates by reference its objections and definitions above, including to the terms
5 “Meta Language Models,” and “You.”

6 As an initial matter, Meta objects to this Interrogatory because it consists of two
7 Interrogatories, which count toward Plaintiffs’ limit. In answering the Interrogatory, Meta does not
8 waive this objection.

9 Meta objects to this Interrogatory as vague, ambiguous, and unintelligible as to the phrase
10 “any connection with data.” Meta is accordingly unable to respond to subpart (a) as written.

11 Meta objects to this Interrogatory as vague, ambiguous, and unintelligible as to
12 “Defendants,” as Meta is the only named defendant in this case. Meta will interpret “Defendants”
13 to mean Meta (as construed above).

14 Meta objects to this Interrogatory as vague, ambiguous, and unintelligible as to the term
15 “Related Entities,” which is capitalized as if it is defined when it is not. For purposes of this
16 response, Meta will construe “Related Entities” to mean entities owned by or sharing common
17 ownership with Meta.

18 Meta objects to this Interrogatory on the ground that it is overbroad, unduly burdensome,
19 and disproportionate to the needs of the case and seeks information that is not relevant to the parties’
20 claims and defenses, in particular to the extent it seeks information concerning “all” such
21 agreements regardless of their subject matter having “any connection” with “data.” Meta will
22 construe subpart (a) to refer to formal, written agreements concerning licensing or acquisition of
23 training data for any Meta Language Model (as construed above). Meta will not respond to subpart
24 (b).

25 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
26 Protective Order and the ESI Order, Meta responds as follows:

27 Meta incorporates by reference its most recent SEC FORM DEF 14A, which identifies
28 individuals and companies with a beneficial interest of more than 5% of Meta’s publicly traded

1 stock. Meta will produce a copy of that document in its forthcoming production pursuant to Rule
2 33(d).

3 Pursuant to Rule 33(d), Meta will also conduct a reasonable search for and produce on a
4 rolling basis documents sufficient to show any executed written agreements concerning licensing
5 or acquisition of training datasets for any Meta Language Models (as construed above).

6 **Meta's First Supplemental Response to Interrogatory No. 5:**

7 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
8 Protective Order, Meta responses as follows:

9 **This response is designated as Confidential under the Protective Order.**

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 **Meta's Second Supplemental Response to Interrogatory No. 5:**

14 **This response is designated as Highly Confidential – Attorney's Eyes Only under the**
15 **Protective Order.**

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 **INTERROGATORY NO. 6:**

23 In order of corporate seniority, Identify by name and date all Your past and present directors,
24 officers, and board members.

25 **RESPONSE TO INTERROGATORY NO. 6:**

26 Meta incorporates by reference its objections and definitions above, including to the term
27 "Your."

28 Meta objects to the portion of this Interrogatory requiring Meta to list individuals by order

1 of “corporate seniority,” as certain individuals may be of equivalent or otherwise indistinguishable
2 seniority.

3 Meta objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate
4 to the needs of the case and seeks information that is not relevant to the parties’ claims and defenses,
5 in particular to the extent it seeks information concerning all past and present directors, officers,
6 and board members of Meta, irrespective of the time period relevant to Plaintiffs’ allegations, or
7 the role of said individuals in the conduct at issue in Plaintiffs’ complaint, which concerns language
8 models that were only recently released.

9 Meta will not respond to this Interrogatory. Meta instead refers Plaintiff to the Investor
10 Relations (<https://investor.fb.com/home/default.aspx>) and Company Info
11 (<https://about.meta.com/company-info/>) pages on its website, which contain information about
12 present Meta leadership.

13 **INTERROGATORY NO. 7:**

14 In order of corporate seniority, Identify by name, job title, and date, all Persons, Including
15 employees from other businesses, contractors, vendors, and other non-employees of Your business,
16 previously and currently responsible for, or having oversight or control over the training,
17 engineering, development, ethics, safety, or alignment of the Meta Language Models, and any
18 iterations, versions, or variations thereof. Include in Your response:

- 19 a. For each Person, a description of his or her area of expertise;
- 20 b. For each Person, a description of whether such Person was previously or is currently
21 responsible for, or has or had oversight or control over ethics, safety, or alignment related to the
22 Meta Language Models;
- 23 c. For each Person, a description of whether such Person was previously or is currently
24 responsible for, or has or had oversight or control over researching, analyzing, reporting on,
25 mitigating, or remediating the propensity of the Meta Language Models to emit protected
26 expression from the Training Data;
- 27 d. For each Person responsive to subpart b above, provide a description of whether
28 such Person created Documents or Communications Concerning the ethics or legality of any

1 Training Data gathered or used by You;

2 e. Provide a description of the mitigations and remediations so undertaken by any
3 Persons responsive to subpart c. above;

4 f. For Persons previously employed, Identify whether they left You voluntarily or
5 involuntarily, and whether any disagreement with You about Training Data was a factor in their
6 separation from You.

7 **RESPONSE TO INTERROGATORY NO. 7:**

8 Meta incorporates by reference its objections and definitions above, including to the terms
9 “You,” “Communications,” and “Meta Language Models.”

10 As an initial matter, Meta objects to this Interrogatory because it consists of *at least* four
11 Interrogatories, which count toward Plaintiffs’ limit. For example, subparts (d), (e), and (f) are not
12 subsumed within and necessarily related to the primary question. In answering the Interrogatory,
13 Meta does not waive this objection.

14 Meta objects to this Interrogatory because, on its face, it does not exclude legal advice or
15 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine, in
16 particular as the subject matter of the Interrogatory encompasses policies and procedures that are
17 legal in nature. Meta will not respond to subpart (d). Meta also will not respond to subpart (e) to
18 the extent it seeks information subject to attorney-client privilege and/or attorney work product
19 doctrine.

20 Meta objects to this Interrogatory as vague and ambiguous as to the terms “safety” and
21 “ethics,” and the phrase “iterations, versions, or variations thereof,” all of which are undefined (and
22 as to “any iterations, versions, or variations thereof” as overly broad and unduly burdensome).

23 Meta also objects to the reference to “date” as vague, ambiguous, and unintelligible as to
24 the subject of this Interrogatory.

25 Meta further objects to the portion of this Interrogatory requiring Meta to list individuals by
26 order of “corporate seniority,” as certain individuals may no longer be employed by Meta (and thus
27 have no seniority), while others may be of equivalent or otherwise indistinguishable seniority. Meta
28 will identify individuals in alphabetical order of their last names.

Meta objects to this Interrogatory as vague and ambiguous as to the phrase “responsible for, or having oversight or control,” which, read broadly, would include a large number of individuals regardless of the significance of their role. Meta will construe this Interrogatory to seek information concerning individuals in a managerial role or who may be regarded as lead developers with primary responsibility for the training, engineering, development, or alignment of the Meta Language Models (as construed above).

Meta objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate to the needs of the case and seeks information that is not relevant to the parties’ claims and defenses, in particular to the extent it seeks information concerning issues unrelated to Plaintiffs’ direct copyright infringement claim.

Meta objects to this Interrogatory to the extent that it seeks information that is not within Meta’s possession, custody, or control, in particular as to individuals who are no longer with the company.

Meta objects to the counterfactual presumption and characterization of its language models as having a “propensity to emit protected expression” from training data.

Meta’s Further Supplemental and Amended Response to Interrogatory No. 7:

Subject to and without waiving the foregoing objections, and pursuant to the terms of the Protective Order and the ESI Order, Meta responds as follows:

Meta refers Plaintiffs to Appendix A.1 to the publicly available paper “Llama 2: Open Foundation and Fine-Tuned Chat Models,” which identifies the following individuals as having leadership roles in connection with development of Llama 2:

• **Science and Engineering Leadership:**

- Guillem Cucurull (Research Engineer, former Meta employee) – Mr. Cucurull left Meta voluntarily. Meta is unaware of any information to suggest that his departure from Meta concerned a disagreement with Meta over training data.
- Naman Goyal (Software Engineer)
- Louis Martin (Research Scientist, former Meta employee) – Mr. Martin left Meta voluntarily. Meta is unaware of any information to suggest that his departure from

Meta concerned a disagreement with Meta over training data.

- Thomas Scialom (Research Scientist)
- Ruan Silva (Software Engineer)
- Kevin Stone (Research Engineer, former Meta employee) – Mr. Stone left Meta voluntarily. Meta is unaware of any information to suggest that his departure from Meta concerned a disagreement with Meta over training data.
- Hugo Touvron (Research Scientist)

● **Technical and Management Leadership:**

- Sergey Edunov (Director, AI Research)
- Angela Fan (Research Scientist)
- Melanie Kambadur (Research Engineering Manager)
- Sharan Narang (Research Scientist Manager)
- Aurelien Rodriguez (Software Engineering Manager, former Meta employee) – Mr. Rodriguez left Meta voluntarily. Meta is unaware of any information to suggest that his departure from Meta concerned a disagreement with Meta over training data.
- Robert Stojnic (Engineering Manager, former Meta employee) – Mr. Stojnic left Meta voluntarily. Meta is unaware of any information to suggest that his departure from Meta concerned a disagreement with Meta over training data.

Meta has produced a copy of the Llama 2: Open Foundation and Fine-Tuned Chat Models paper as Meta_Kadrey_00000001-00000077. Excluding Mr. Silva and Mr. Martin, each of the foregoing listed individuals also contributed to development of Llama 3. Pursuant to Rule 33(d), Meta also refers Plaintiffs to the paper titled “The Llama 3 Herd of Models,” published by Meta on July 23, 2024, for further information.

Meta also identifies the following individuals as having leadership roles in connection with development of Llama 2 and Llama 3:

- Mike Clark (Director, Product Management)
- Ahmad Al-Dahle (VP Gen AI)
- Chaya Nayak (Director, Product Management)

1 In addition, Meta identifies the following individuals as having leadership roles in
2 connection with development of Llama 1:

- 3 • Joelle Pineau (VP, AI Research)
- 4 • Edouard Grave (Research Scientist, former Meta employee) – Mr. Grave was a
5 research scientist at Meta. Mr. Grave was one of the lead developers of Llama 1.
6 Mr. Grave left Meta voluntarily. Meta is unaware of any information to suggest that
7 his departure from Meta concerned a disagreement with Meta over training data.
- 8 • Guillaume Lample (Research Scientist, former Meta employee) – Mr. Lample was
9 a research scientist at Meta. Mr. Lample was one of the lead developers of Llama
10 1. Mr. Lample left Meta voluntarily. Meta is unaware of any information to suggest
11 that his departure from Meta concerned a disagreement with Meta over training data.
- 12 • Aurelien Rodriguez (Software Engineering Manager, former Meta employee)
- 13 • Hugo Touvron (Research Scientist)

14 **This response is designated as Highly Confidential – Attorney’s Eyes Only under the**
15 **Protective Order.**

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 • [REDACTED]

22 • [REDACTED]

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INTERROGATORY NO. 8:

Identify all software, databases, or services previously and currently used by You for training, maintaining, supervising, managing, analyzing, programming, updating, troubleshooting, diagnosing, testing or modifying the Meta Language Models.

RESPONSE TO INTERROGATORY NO. 8:

Meta incorporates by reference its objections and definitions above, including to the terms “You” and “Meta Language Models.”

As an initial matter, Meta objects to this Interrogatory because it consists of twenty-seven Interrogatories, which count toward Plaintiffs’ limit. Specifically, “software,” “databases” and “services” are all broad, distinct subject matters, as are “training,” “maintaining,” “supervising,” “managing,” “analyzing,” “programming,” “updating,” “troubleshooting [and] diagnosing”, “testing,” and “modifying.” In answering the Interrogatory, Meta does not waive this objection.

Meta objects to this Interrogatory as vague, ambiguous, and unintelligible as to “maintaining,” “supervising,” “managing,” “troubleshooting,” “diagnosing,” and “modifying” in the context of Meta’s Llama models.

Meta objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate to the needs of the case and seeks information that is not relevant to the parties’ claims and defenses, in particular to the extent it seeks information concerning issues unrelated to Plaintiffs’ theory of copyright infringement.

Subject to and without waiving the foregoing objections, and pursuant to the terms of the Protective Order and the ESI Order, Meta responds as follows:

This response should be treated as Confidential under the Protective Order.

INTERROGATORY NO. 10:

Identify all Persons or Related Entities from whom You licensed, purchased or otherwise obtained Training Data for the Meta Language Models. For each such provider of Training Data, include the name of such person(s), date, amount paid, approximate description and size of data You obtained, and Identify the particular models such Training Data was used for.

RESPONSE TO INTERROGATORY NO. 10:

Meta incorporates by reference its objections and definitions above, including to the terms “You,” “Training Data,” and “Meta Language Models.”

As an initial matter, Meta objects to this Interrogatory because it consists of *at least* three Interrogatories, which count toward Plaintiffs’ limit. For example, identifying a “Person” is separate from the date of an alleged transaction, how much was paid, or specifics about data. In answering the Interrogatory, Meta does not waive this objection.

Meta objects to this Interrogatory as vague, ambiguous, and unintelligible as to the term “Related Entities” which is capitalized as if it is defined when it is not. Meta will construe “Related Entities” to mean entities owned by or sharing common ownership with Meta.

Meta objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate to the needs of the case and seeks information that is not relevant to the parties’ claims and defenses,

1 in particular to the extent it seeks information concerning issues unrelated to Plaintiffs' theory of
2 copyright infringement.

3 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
4 Protective Order and the ESI Order, Meta responds that it will identify Persons from whom Meta
5 has "licensed, purchased, or otherwise obtained" Training Data (as construed above) for the Meta
6 Language Models (as construed above), if any, to the extent such information is within Meta's
7 possession, custody, or control, after additional investigation has been completed. Discovery is
8 continuing and Meta reserves the right to supplement or amend its response at a later time.

9 **Meta's First Supplemental Response to Interrogatory No. 10:**

10 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
11 Protective Order, Meta responds as follows:

12 **This response is designated as Highly Confidential – Attorney's Eyes Only under the**
13 **Protective Order.**

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 **Meta's Second Supplemental Response to Interrogatory No. 10:**

19 **This response is designated as Highly Confidential – Attorney's Eyes Only under the**
20 **Protective Order.**

21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]

27 **INTERROGATORY NO. 11:**

28 Identify by name all individuals or entities who possess or have possessed stock or

1 ownership interests in You greater than five percent.

2 **RESPONSE TO INTERROGATORY NO. 11:**

3 Meta incorporates by reference its objections and definitions above, including to the term
4 “You.” Meta objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate
5 to the needs of the case, is unbounded in time and scope, and seeks information that is not relevant
6 to the parties’ claims and defenses. A list of all individuals or entities that have at any point in time
7 possessed stock or ownership in Meta greater than five percent is irrelevant to Plaintiffs’ theory of
8 copyright infringement.

9 Meta incorporates by reference its most recent SEC FORM DEF 14A, which identifies
10 individuals and companies with a beneficial interest of more than 5% of Meta’s publicly traded
11 stock. Meta will produce a copy of that document in its forthcoming production pursuant to Rule
12 33(d). Meta also refers Plaintiff to the Investor Relations
13 (<https://investor.fb.com/home/default.aspx>) and Company Info ([https://about.meta.com/company-](https://about.meta.com/company-info/)
14 [info/](https://about.meta.com/company-info/)) pages on its website, which contain information about present Meta leadership.

15 **INTERROGATORY NO. 12:**

16 Identify by name, department, and job description, all individuals who have directly
17 participated in the planning, conception, design, programming, testing, or operation of the Meta
18 Language Models during the Relevant Period (including organization charts if applicable),
19 Including All Persons with responsibility who have directly participated in the choice or selection
20 of Training Data for the Meta Language Models.

21 **RESPONSE TO INTERROGATORY NO. 12:**

22 Meta incorporates by reference its objections and definitions above, including to the terms
23 “Relevant Period,” “Training Data,” and “Meta Language Models.”

24 As an initial matter, Meta objects to this Interrogatory because it consists of several
25 Interrogatories, each which count toward Plaintiffs’ limit.

26 Meta objects to this Interrogatory as vague and ambiguous as to the phrase “directly
27 participated in,” which, read literally, may include a large number of individuals regardless of the
28 significance of their role. Meta also objects to this Interrogatory as vague and ambiguous as to the

term “operation,” which could mean any number of things, including any use of a model. Meta will construe this Interrogatory to seek information concerning individuals in a managerial role or who may be regarded as lead developers with primary responsibility for the planning, conception, design, programming, testing, or selection of Training Data (as construed above) used for Meta Language Models (as construed above).

Meta objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate to the needs of the case and seeks information that is not relevant to the parties’ claims and defenses, in particular to the extent it seeks information concerning issues unrelated to Plaintiffs’ direct copyright infringement claim.

Meta objects to this Interrogatory to the extent that it seeks information that is not within Meta’s possession, custody, or control, in particular as to individuals who are no longer with the company and any “organization charts” of relevant employees.

Subject to and without waiving the foregoing objections, and pursuant to the terms of the Protective Order and the ESI Order, Meta responds as follows:

Meta incorporates by reference Appendix A.1 to the publicly available paper “Llama 2: Open Foundation and Fine-Tuned Chat Models,” which identifies the following individuals as having leadership roles in connection with development of Llama 2:

· **Science and Engineering Leadership:** Guillem Cucurull (Research Engineer), Naman Goyal (Software Engineer), Louis Martin (Research Scientist), Thomas Scialom (Research Scientist), Ruan Silva (Software Engineer), Kevin Stone (Research Engineer), Hugo Touvron (AI Research Scientist).

· **Technical and Management Leadership:** Sergey Edunov (Director, AI Research), Angela Fan (Research Scientist), Melanie Kambadur (Research Engineering Manager), Sharan Narang (Research Scientist Manager), Aurelien Rodriguez (Software Engineering Manager), Robert Stojnic (Engineering Manager).

Meta will produce a copy of that paper in its forthcoming production pursuant to Rule 33(d).

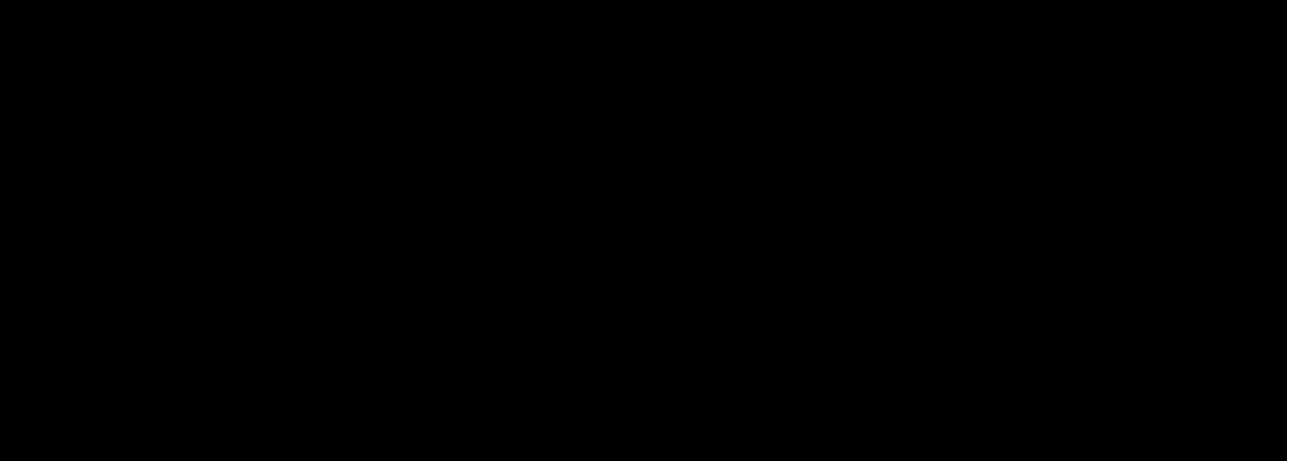
This response is designated as Confidential under the Protective Order.

In addition, Meta identifies the Edouard Grave (Research Scientist, former employee),

Guillaume Lample (Research Scientist, former employee), Hugo Touvron (AI Research Scientist), and Aurelien Rodriguez (Software Engineering Manager) as lead developers with primary responsibility for the planning, conception, design, programming, testing, or operation of Llama 1.

Meta's First Supplemental Response to Interrogatory No. 12:

This response is designated as Highly Confidential – Attorney's Eyes Only under the Protective Order.



INTERROGATORY NO. 13:

Describe in detail the policies and procedures that You follow or have followed in assessing whether to permit the use of a dataset as Training Data for a Meta Language Model, and:

- a. list all datasets that have been so reviewed;
- b. list datasets that have been permitted to be used as Training Data for any Meta Language Model, and the date so designated;
- c. list datasets that have at any time been forbidden from being used as Training Data for any Meta Language Model;
- d. for each forbidden dataset, list the reason that it was forbidden and the date so forbidden;
- e. if a forbidden dataset was later designated safe to use, list the reason its designation was revised and the date so revised.

RESPONSE TO INTERROGATORY NO. 13:

Meta incorporates by reference its objections and definitions above, including to the terms “You,” “Training Data,” and “Meta Language Models.”

1 As an initial matter, Meta objects to this Interrogatory because it consists of at least three
 2 Interrogatories, which count toward Plaintiffs' limit. Specifically, questions about so-called
 3 policies or procedures are separate from a list of datasets reviewed, reasons why a dataset was
 4 "forbidden" (a term used by the Interrogatory), or reasons why a dataset was once "forbidden" but
 5 later not. In answering the Interrogatory, Meta does not waive this objection.

6 Meta objects to this Interrogatory because, on its face, it does not exclude legal advice or
 7 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine, in
 8 particular as the subject matter of the Interrogatory encompasses policies and procedures that are
 9 legal in nature. Meta will not provide information concerning policies and procedures that
 10 constitute legal advice, nor will Meta respond to subparts (a), (b), to the extent that it concerns
 11 whether and when a given dataset received approval for use, and (c)-(e).

12 Meta objects to this Interrogatory as vague and ambiguous as to the term "forbidden
 13 dataset," which is undefined. Meta further objects to this term to the extent it implies that Meta has
 14 prohibited use of any particular dataset for training a language model. Meta will construe
 15 "forbidden dataset" to mean datasets referred to in subpart (c).

16 Meta objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate
 17 to the needs of the case and seeks information that is not relevant to the parties' claims and defenses,
 18 in particular to the extent it seeks information concerning issues unrelated to Plaintiffs' direct
 19 copyright infringement claim.

20 Meta objects to this Interrogatory as duplicative and cumulative of Interrogatory No. 1, and
 21 therefore refers to its response to Interrogatory 1.

22 Meta objects to this Interrogatory because it exceeds Plaintiffs' limit of 25 Interrogatories
 23 under Rule 33(a)(1).

24 **Meta's First Supplemental Response to Interrogatory No. 13:**

25 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
 26 Protective Order, the ESI Order, and Rule 33(d), Meta identifies Bates Nos.
 27 Meta_Kadrey_00089197, Meta_Kadrey_00093496, Meta_Kadrey_00065402, and
 28 Meta_Kadrey_00154774 as identifying datasets that Meta has considered for use as text training

1 data for the Meta Language Models (as construed above).

2 **INTERROGATORY NO. 14:**

3 Identify by name all individuals or entities who have applied for access to Llama 1. Include
4 in Your response:

- 5 a. The names all individuals or entities who obtained access to Llama 1;
6 b. The names all individuals or entities who you denied access to Llama 1, including
7 the names of all individuals or entities who have had their access to Llama 1 revoked or otherwise
8 limited by You;
9 c. For each individual or entity whom you denied access to Llama 1, a description of
10 the reason(s) why you denied access to that particular individual or entity.

11 **RESPONSE TO INTERROGATORY NO. 14:**

12 Meta incorporates by reference its objections and definitions above, including to the terms
13 “You,” “Your,” and “Llama 1.”

14 As an initial matter, Meta objects to this Interrogatory because it consists of at least three
15 Interrogatories, which count toward Plaintiffs’ limit. Specifically, an inquiry regarding entities
16 who applied for access is separate from a question about who obtained or was denied access, and
17 the reasons why (on a person by person basis).

18 Meta objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate
19 to the needs of the case as it would require Meta to compile a list of every individual who sought
20 to use Llama v1 and when and whether they were given access (or not), and then determine the
21 reasoning (if there was one) why access was or was not granted. There is no relevance or
22 proportionality of this request to Plaintiffs’ direct copyright infringement claim relating to training.

23 Meta objects to this Interrogatory because, on its face, it does not exclude legal advice or
24 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine, in
25 particular as the subject matter of the Interrogatory encompasses determinations that are legal in
26 nature.

27 Finally, Meta objects to this Interrogatory because it exceeds Plaintiffs’ limit of 25
28 Interrogatories under Rule 33(a)(1).

Meta's First Supplemental Response to Interrogatory No. 14:

Pursuant to Rule 33(d), Meta identifies the Bates Nos. Meta_Kadrey_00065897, Meta_Kadrey_00065898, Meta_Kadrey_00065899, Meta_Kadrey_00066056, Meta_Kadrey_00066065, Meta_Kadrey_00187042, Meta_Kadrey_00187043, Meta_Kadrey_00187044, Meta_Kadrey_00187045. These documents identify individuals who received, and who were denied, access to Llama 1. Meta also identifies Bates Nos. Meta_Kadrey_00185688, Meta_Kadrey_00185680, which describe the criteria Meta used to grant or deny access to Llama 1.

INTERROGATORY NO. 15:

Explain in detail the role of the following individuals in any aspect of the design, training, development, testing, marketing, release or support of each of the Meta Language Models:

- a. Hugo Touvron
- b. Aurélien Rodriguez
- c. Tim Dettmers
- d. Luke Zettlemoyer
- e. Shawn Presser
- f. Stella Biderman
- g. Leo Gao
- h. Yann LeCun
- i. John Carmack
- j. Andrew Bosworth
- k. Chris Cox
- l. Jennifer Newstead
- m. Ahmad Al-Dahle
- n. Marc Zuckerberg
- o. Marc Andreessen

RESPONSE TO INTERROGATORY NO. 15:

Meta incorporates by reference its objections and definitions above, including to the term

1 “Meta Language Models.”

2 As an initial matter, Meta objects to this Interrogatory because it consists of at least fifteen
3 Interrogatories, which count toward Plaintiffs’ limit. Specifically, each individual’s role in the
4 broad subjects of “design, training, development, testing, marketing, release or support” are
5 separate subjects, and are not necessarily related to one another.

6 Meta objects to this Interrogatory as vague and ambiguous as to the term “support,” which
7 is undefined and effectively meaningless. Meta also objects to this Interrogatory as vague and
8 ambiguous as to the phrase “involved in any aspect of,” which is undefined and overbroad. Meta
9 will construe this Interrogatory to seek information concerning the identified individuals’ job
10 responsibilities in connection with the “design, training, development, testing, marketing, and
11 release” of the Meta Language Models (as construed above).

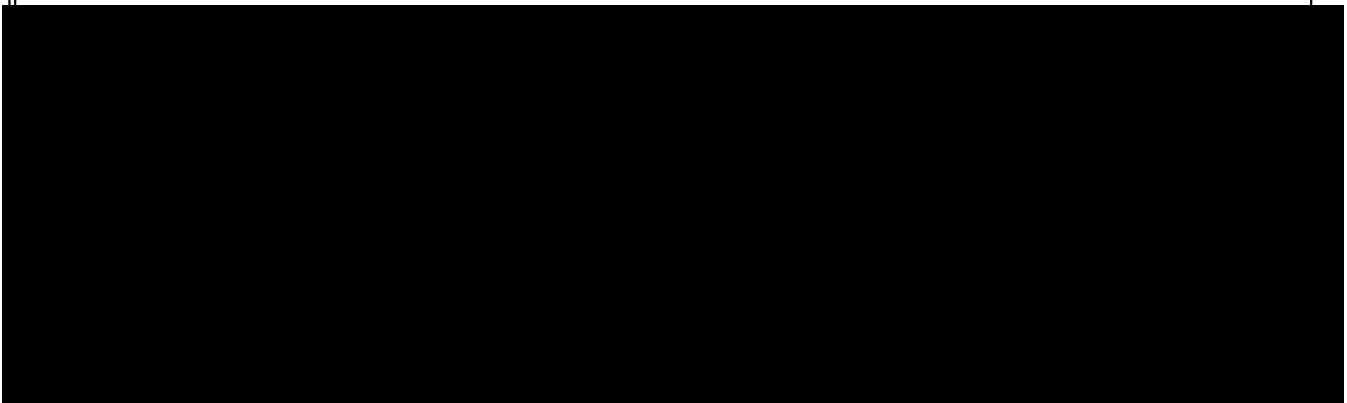
12 Meta objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate
13 to the needs of the case and seeks information that is not relevant to the parties’ claims and defenses,
14 in particular to the extent it seeks information concerning issues unrelated to Plaintiffs’ theory of
15 copyright infringement.

16 Finally, Meta objects to this Interrogatory because it exceeds Plaintiffs’ limit of 25
17 Interrogatories under Rule 33(a)(1).

18 **Meta’s First Supplemental Response to Interrogatory No. 15:**

19 Based on a reasonable investigation, Meta describes the roles of the following individuals
20 in the development of the Meta Language Models as follows:

21 **This response is designated as Highly Confidential – Attorney’s Eyes Only under the**
22 **Protective Order.**



1 [REDACTED] – [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED] – [REDACTED]
8 [REDACTED]
9 [REDACTED] – [REDACTED]
10 [REDACTED]
11 [REDACTED] – [REDACTED]
12 [REDACTED]
13 [REDACTED] – [REDACTED]
14 [REDACTED]
15 [REDACTED] – [REDACTED]
16 [REDACTED] – [REDACTED]
17 [REDACTED]
18 [REDACTED]
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20 [REDACTED]
21 [REDACTED] – [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
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9 [REDACTED]
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1 Dated: December 13, 2024

COOLEY LLP

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PROOF OF SERVICE

I am a citizen of the United States and a resident of the State of California. I am employed in Los Angeles County, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is Cooley LLP, 355 South Grand Avenue, Suite 900, Los Angeles, CA 90071. On the date set forth below I served the documents described below in the manner described below:

- **DEFENDANT META PLATFORMS, INC.'S FURTHER SUPPLEMENTAL AND AMENDED RESPONSES AND OBJECTIONS TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**



(BY ELECTRONIC MAIL) I am personally and readily familiar with the business practice of Cooley LLP for the preparation and processing of documents in portable document format (PDF) for e-mailing, and I caused said documents to be prepared in PDF and then served by electronic mail to the parties listed below.

on the following part(ies) in this action:

Executed on December 13, 2024, at Los Angeles, California.

/s/Jerry Gonzalez

Jerry Gonzalez

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16 *Counsel for Defendant Meta Platforms, Inc.*

17
18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**

20 RICHARD KADREY, et al.,
21 Individual and Representative Plaintiffs,
22 v.
23 META PLATFORMS, INC., a Delaware
24 corporation;
25 Defendant.

Case No. 3:23-cv-03417-VC

**DEFENDANT META PLATFORMS, INC.'S
FURTHER SUPPLEMENTAL AND AMENDED
RESPONSES AND OBJECTIONS TO
PLAINTIFFS' SECOND SET OF
INTERROGATORIES**

Trial Date:
Date Action Filed: July 7, 2023

PROPOUNDING PARTY: PLAINTIFFS RICHARD KADREY, SARAH SILVERMAN, CHRISTOPHER GOLDEN, TA-NEHISI COATES, JUNOT DÍAZ, ANDREW SEAN GREER, DAVID HENRY HWANG, MATTHEW KLAM, LAURA LIPPMAN, RACHEL LOUISE SNYDER, JACQUELINE WOODSON, LYSA TERKEURST, AND CHRISTOPHER FARNSWORTH

RESPONDING PARTY: DEFENDANT META PLATFORMS, INC.

SET NUMBER: ONE SECOND

Pursuant to Federal Rule of Civil Procedure 33 and Local Rule 33, Defendant Meta Platforms, Inc. (“Meta”) responds as follows to Plaintiffs Richard Kadrey, Sarah Silverman, Christopher Golden, Ta-Nehisi Coates, Junot Díaz, Andrew Sean Greer, David Henry Hwang, Matthew Klam, Laura Lippman, Rachel Louise Snyder, Jacqueline Woodson, Lysa TerKeurst, and Christopher Farnsworth’s (“Plaintiffs”) Second Set of Interrogatories (“Interrogatories”).

I. RESPONSES TO ALL INTERROGATORIES

1. Meta’s responses to these Interrogatories are made to the best of Meta’s current employees’ present knowledge, information, and belief. Said responses are at all times subject to such additional or different information that discovery or further investigation may disclose and, while based on the present state of Meta’s recollection, is subject to such refreshing of recollection, and such additional knowledge of facts, as may result from Meta’s further discovery or investigation. Meta reserves the right to make any use of, or to introduce at any hearing and at trial, information and/or documents responsive to these Interrogatories but discovered subsequent to the date of these responses, including, but not limited to, any such information or documents obtained in discovery herein.

2. To the extent that Meta responds to an Interrogatory by stating that Meta will provide information or documents that Meta deems to embody material that is private, business confidential, proprietary, trade secret, or otherwise protected from disclosure pursuant to Federal Rule of Civil Procedure 26(c) and/or Federal Rule of Evidence 501, Meta will only do so subject to the parties’ stipulated protective order governing the unauthorized use or disclosure of such information or documents with a designated “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL

1 - ATTORNEYS' EYES ONLY" or "HIGHLY CONFIDENTIAL – SOURCE CODE" distinction
 2 (ECF No. 90, the "Protective Order").

3 3. Meta reserves all objections or other questions as to the competency, relevance,
 4 materiality, privilege or admissibility as evidence in any subsequent proceeding in or trial of this
 5 or any other action for any purpose whatsoever of Meta's responses herein and any document or
 6 thing identified or provided in response to the Interrogatories.

7 **II. OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS**

8 Whether or not separately set forth in response to each Interrogatory, Meta makes these
 9 objections to the following Instructions and Definitions:

10 1. Meta objects to all defined terms to the extent that they are not utilized in Plaintiffs
 11 Second Set of Interrogatories.

12 2. Meta objects to the definition of "Agreements" as overbroad and unduly
 13 burdensome to the extent that it encompasses oral contracts, arrangements, or understandings,
 14 including those that are informal. Meta further objects to the definition of "Agreements" as vague,
 15 ambiguous, and unintelligible as to the term "modifications" to the extent it is intended to mean
 16 something distinct from "versions" or "amendments." Meta will construe "Agreements" to mean
 17 written contracts, including drafts, versions, amendments, exhibits, and appendices thereof.

18 3. Meta objects to the definition of "Communications" to the extent it is inconsistent
 19 with and otherwise seeks to circumvent the custodian and search term limits for electronic
 20 communications (including emails and other electronic correspondence, and documents attached
 21 thereto), as provided in the Stipulated Protocol regarding Electronic Discovery ("ESI
 22 Order"). Meta will produce Documents, including Communications, pursuant to the terms of the
 23 ESI Order, and any agreement to produce such Documents is explicitly in view of the terms of the
 24 ESI Order. To the extent that Meta responds to a Request, including by agreeing to search for
 25 relevant, non-privileged communications in Meta's possession, custody, or control, such response
 26 is not a representation that any particular custodian or search term is appropriate. Meta expressly
 27 reserves the right to object to any custodians and search terms proposed by Plaintiffs.
 28

1 4. Meta objects to the definition of “Complaint” which refers to an outdated complaint
2 that has since been replaced by the Corrected Second Consolidated Amended Complaint (ECF No.
3 133). Meta will construe “Complaint” to refer to the Corrected Second Consolidated Amended
4 Complaint.

5 5. Meta objects to the definitions of “Llama 1,” “Llama 2,” and “Llama 3” as vague
6 and ambiguous as to the undefined terms “precursor models” and “variant models.” Meta further
7 objects to these definitions as overbroad, unduly burdensome, and disproportionate to the needs of
8 the case to the extent that it purports to require Meta to produce documents or information
9 concerning large language models (“LLMs”) that were not publicly released and/or were not trained
10 on corpuses of text that include any of Plaintiffs’ allegedly copyrighted works. For the same reason,
11 Meta objects to these definitions to the extent that they purport to require Meta to produce
12 documents or information concerning LLMs that are not relevant to any party’s claims or
13 defenses. For purposes of these responses, Meta construes the term “Llama 1” to refer to the LLM
14 released by Meta as Llama on February 24, 2023, the term “Llama 2” to refer to the LLM released
15 by Meta under that name on July 18, 2023, and the term “Llama 3” to refer to the LLM released by
16 Meta under that name on April 18, 2024, July 23, 2024, and September 25, 2024.

17 6. Meta objects to the definition of “Meta” as overbroad, unduly burdensome, and
18 disproportionate to the needs of the case to the extent that it purports to require Meta to produce
19 documents or information concerning any “owners” regardless of shareholder interest and
20 shareholders with an ownership of in Meta of greater than 5%. Meta will construe “Meta” or “You”
21 to mean Meta Platforms, Inc.

22 7. Meta objects to the definition of “Meta Language Models” as vague and ambiguous
23 as to the undefined terms “precursor models” and “variant models.” Meta further objects to this
24 definition as overbroad, unduly burdensome, and disproportionate to the needs of the case to the
25 extent that it purports to require Meta to produce documents concerning LLMs that were not
26 publicly released and/or were not trained on corpuses of text that allegedly include any of Plaintiffs’
27 allegedly copyrighted works. For the same reason, Meta objects to this definition to the extent that
28 it purports to require Meta to produce documents that are not relevant to any party’s claims or

1 defenses. Meta will construe “Meta Language Models” to mean the models within the Llama
2 family of LLMs that have been publicly released by Meta, namely, Llama 1, Llama 2, Code Llama,
3 and Llama 3 (as those terms are construed above).

4 **8.** Meta objects to the definition of “Relevant Period” as vague, ambiguous, and
5 unintelligible, as it is defined circularly to mean “all times relevant to... the Complaint.” Meta will
6 construe the Relevant Period to mean January 1, 2022 to the present.

7 **9.** Meta objects to the definition of “Training Data” as vague, ambiguous, and
8 unintelligible as to the term “other material,” which is indefinite and undefined. Meta further
9 objects to the definition of “Training Data” as vague and ambiguous as to the phrase “considered
10 for use,” which, read literally, would encompass any dataset considered by any Meta employee,
11 regardless of the seriousness of such consideration and whether or not that consideration was ever
12 acted upon. Meta further objects to this definition to the extent it purports to include datasets (or
13 “considered” datasets) that include content to which Plaintiffs have made no claim of ownership
14 and which are not the subject of any allegations of copyright infringement by Plaintiffs. Meta will
15 construe “Training Data” to mean the “Books3” textual dataset used to train the Meta Language
16 Models (as construed above).

17 **10.** Meta objects to the definition of “You” and “Your” as overbroad, unduly
18 burdensome, and nonsensical, insofar as it refers to “the specific Defendant(s) producing
19 documents in response to these Requests.” There is only one defendant in this case, Meta, and this
20 response is to the Interrogatories, not any document requests. Meta further objects to this definition
21 to the extent it seeks to impose upon Meta an obligation to investigate information or documents
22 outside of its possession, custody, or control. For purposes of these responses, Meta construes the
23 terms “You” and “Your” coextensively with Meta (as construed above).

24 **11.** Meta objects to Instruction 1 to the extent that it purports to require more of Meta
25 than any obligation imposed by law, and would subject Meta to unreasonable and undue burden
26 and expense. Meta will supplement or amend its responses to these Interrogatories in accordance
27 with Meta’s obligations under Rule 26(e).
28

1 **12.** Meta objects to Instruction 2, which defines the “Relevant Period” as January 1,
2 2000 to the present. Such definition is overbroad, unduly burdensome, and disproportionate to the
3 needs of the case because it both precedes the existence of Facebook (and therefore Meta) by
4 several years, and the development of the Meta Language Models by decades. For the same reason,
5 the definition of “Relevant Period,” as applied to the Interrogatories, would encompass information
6 that is irrelevant to the parties’ claims and defenses. The Instruction is also inconsistent with the
7 definition of “Relevant Period” provided on page 3 of the Interrogatories and is therefore vague
8 and ambiguous. Meta will construe the Relevant Period to mean January 1, 2022 to the present.

9 **13.** Meta objects to Instruction 4 (referring to Fed. R. Civ. P. Rule 33(d)) on the ground
10 that it purports to require more of Meta than any obligation imposed by law, and would subject
11 Meta to unreasonable and undue burden and expense.

12 **14.** Meta objects to Instruction 6 (outlining additional obligations for allegedly
13 incomplete responses) to the extent that it purports to require Meta to investigate information
14 outside of its possession, custody, or control.

15 **15.** Meta objects to Instruction 8 (outlining additional obligations for any privilege
16 objection) on the ground that it purports to require more of Meta than any obligation imposed by
17 law, and would subject Meta to unreasonable and undue burden and expense.

18 **16.** Meta objects to Instruction 9 (outlining additional obligations for any work product
19 objection) on the ground that it purports to require more of Meta than any obligation imposed by
20 law, and would itself require disclosure of information protected by attorney-client privilege and/or
21 attorney work product doctrine.

22 **17.** Meta objects to Instruction 10 (building in a separate question for each
23 Interrogatory) on the ground that it purports to require more of Meta than any obligation imposed
24 by law, seeks disclosure of information protected by attorney-client privilege and/or attorney work
25 product doctrine, and seeks to circumvent Plaintiffs’ interrogatory limit.

26 **18.** Meta objects to Instruction 11 (purporting to require responses for “all predecessors,
27 successors, subsidiaries ... divisions and/or affiliates of Meta”), on the ground that it purports to
28 require more of Meta than any obligation imposed by law, and would subject Meta to unreasonable

1 and undue burden and expense. Meta further objects to Instruction 11 to the extent that it purports
 2 to require Meta to investigate information outside of its possession, custody, or control. As such
 3 the Instruction is overly broad, as well. Subject to any objections applicable to a particular
 4 Interrogatory, Meta will conduct a reasonable, proportionate search for non-privileged, relevant,
 5 responsive information within its possession, custody, or control.

6 **19.** In responding to all Interrogatories, Meta will comply with the requirements of the
 7 Federal Rules of Evidence and Federal Rule of Civil Procedure 26.

8 **III. OBJECTIONS AND RESPONSES TO INDIVIDUAL INTERROGATORIES**

9 **INTERROGATORY NO. 16:**

10 State all facts on which you base Your contention that Your conduct constitutes fair use (17
 11 U.S.C. § 107).

12 **FIRST AMENDED AND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 16:**

13 Meta incorporates by reference its objections and definitions above.

14 Meta objects to this Interrogatory as vague and ambiguous as to the phrase “Your conduct,”
 15 which is undefined and could refer to any conduct. Meta will construe this Interrogatory to seek
 16 information concerning Meta’s claim of fair use in connection with the conduct alleged in the
 17 Complaint (as construed above).

18 Meta objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate
 19 to the needs of the case to the extent it seeks information that Meta does not intend to rely on to
 20 support a claim of fair use and calls for a lengthy narrative with regard to twelve different plaintiffs
 21 and more than forty works.

22 Meta objects to this Interrogatory to the extent it prematurely calls for expert testimony or
 23 identification of facts yet to be disclosed by Plaintiffs, and to the extent that it requires Meta to
 24 respond to legal arguments or theories not yet disclosed by Plaintiffs.

25 Finally, Meta objects to this Interrogatory because it exceeds Plaintiffs’ limit of 25
 26 Interrogatories under Rule 33(a)(1).

27 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
 28 Protective Order, Meta responds as follows:

1 The alleged use of Plaintiffs' asserted works, to the extent it is shown to have occurred, is
 2 highly transformative in nature, because it adds something new, with a further purpose or different
 3 character, altering those works with considerable new expression, meaning, or message. To the
 4 extent Plaintiffs' works were used to train the Meta Language Models, the purpose was
 5 transformative both in terms of purpose and expression. With respect to purpose, Plaintiffs' works
 6 were allegedly used as data to train the models. In other words, the works were allegedly a part of
 7 a corpus of text (specifically, terabytes of text from a variety of sources), from which the models
 8 built complex statistical representations of language derived from the patterns, structures, and
 9 relationships between words within the corpus. This enables the models to predict the next word
 10 in a sequence, and thereby provide useful responses to any manner of input prompts. Such use of
 11 textual material serves a fundamentally different purpose from the original texts on which the Meta
 12 Language Models were trained. *See e.g.*, Meta_Kadrey_00000001-00000077,
 13 Meta_Kadrey_00000078-00000104, Meta_Kadrey_00000224-00000248,
 14 Meta_Kadrey_00093669- Meta_Kadrey_00093760.

15 The text corpus used to train the Meta Language Models includes a large amount of textual
 16 materials, and to the extent Plaintiffs' works were used to train those models, they would constitute
 17 a tiny fraction of the textual training dataset (both individually and collectively). The purpose of
 18 the models, and the use of text datasets, is to create new, original textual output, not to reproduce
 19 the content of the datasets with which it was trained. This is demonstrated by, among other things,
 20 Meta's efforts to minimize the models' ability to memorize and/or output training data verbatim
 21 (*see e.g.*, Meta_Kadrey_00000277) and the wide variety of uses that have been made of the models.
 22 *See e.g.*, Meta_Kadrey_00092978-00093308, Meta_Kadrey_00062157. Indeed, all Plaintiffs have
 23 admitted that they are not aware of any output from any Meta Language Model that replicates any
 24 protected expression in their at-issue books. *See e.g.*, T. Coates 7/22/2024 Resps. & Objs. to Meta's
 25 2nd Set of RFAs, Resp. to RFA No. 24 (admitting, subject to objections, that Plaintiff is "personally
 26 unaware of any text generated by any of Meta's Llama models that infringes [Plaintiff's]
 27 ASSERTED WORKS."); J. Díaz 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to
 28 RFA No. 24 (same); C. Golden 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to

1 RFA No. 24 (same); A. Greer 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA
 2 No. 24 (same); D. Hwang 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No.
 3 24 (same); R. Kadrey 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 24
 4 (same); M. Klam 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 24
 5 (same); L. Lippman 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 24
 6 (same); S. Silverman 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 24
 7 (same); R. Snyder 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 24
 8 (same); J. Woodson 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 24
 9 (same); C. Golden 9/17/2024 Dep. 260:6–261:13 (Mr. Golden testifying that the present lawsuit is
 10 not about what comes out of Meta's large language models); A. Greer 9/24/2024 79:21–80:3 (Mr.
 11 Greer testifying that his claims concern the use of his works to train large language models); D.
 12 Hwang 9/16/2024 Dep. 252:23–253:6 (Mr. Hwang testifying that the operative complaint does not
 13 allege that the Meta Language models create any output that is similar to any of his books or plays);
 14 L. TerKeurst 9/23/2024 Dep. 226:20–25, 229:5–12 (Ms. TerKeurst testifying that she was not
 15 aware of any text generated by the Meta Language Models that was substantially similar that of her
 16 asserted works); J. Woodson Dep. 328:23–329:4 (Ms. Woodson testifying that she is not aware of
 17 any output from any Meta LLM in which any of her characters appeared.); S. Silverman 10/10/2024
 18 Dep. 42:5–8 (Q: “[D]oes it matter if Meta's models never output any language from your book?” A:
 19 “It doesn't matter at all.”); *id.* 156:25–157:2 (“It doesn't matter what he does with it or what output
 20 comes from it. It's not right.”); *id.* 321:9–11 (“It's not about the output. If the output might not be
 21 this book, but without this book it wouldn't have the out-book [SIC]”); T. Coates 11/21/2024
 22 Dep. 52:22–53:11 (Mr. Coates testifying that he has not personally created or witnessed someone
 23 create output from Meta's AI model that replicates or regurgitates portions of his books); M. Klam
 24 Rough Drft. Dep. 38:11–16, 234:5–11 (Mr. Klam testifying that he is unaware of any instance in
 25 which any Meta AI tool has output verbatim text from any of his books and cannot identify any
 26 language he has written in any of his books that was reproduced in the output of Meta's AI model);
 27 R. Snyder Rough Drft. Dep. 36:2–4 (Ms. Snyder testifying that she has never seen any output
 28 generated by a Meta AI model that copies any language of hers); *cf.* D. Hwang 9/16/2024 Dep.

1 363:6–15 (Mr. Hwang testifying that he did not believe when he filed suit that the Meta Language
2 Models could create works that were substantially similar to his works); L. Lippman 9/17/2024
3 Dep. 311:16–312:1 (Ms. Lippman testifying that she is aware that the current version of the
4 Complaint does not allege that Meta’s generative AI tools create any output that is substantially
5 similar to her books); A. Greer 9/24/2024 Dep. 28:17–20 (same); J. Díaz 11/20/2024 Dep. 216:4–
6 13 (same)

7 The transformative nature also extends to expression. The pre-training process involves a
8 number of steps that fundamentally transform the input dataset text in order to facilitate training of
9 the large language model (“LLM”), which Meta will further describe in further detail in connection
10 with expert discovery. At a high-level, the pre-training process includes a “tokenization” step in
11 which the data in training datasets is broken down and encoded into a series of values known as
12 “tokens” which are used to create numerical vector representations that the LLM training
13 algorithms can understand. (*See e.g.*, Meta_Kadrey_00000078-00000104, Section 2.1
14 (“Tokenizer”); Meta_Kadrey_00000001-00000077, at 6 (“Tokenizer”).) The input data is then
15 used in a complex series of LLM training algorithms that adjust the large number of numerical
16 values (known as parameters which include weights) in the LLM, that define the connections and
17 relationships between the nodes in the LLM. By adjusting these weights, the LLM can “learn” and
18 better predict correct outputs based on input data. These numerical parameters enable the LLM,
19 after the training process, to generate better output data in response to input prompts. The process
20 of training of an LLM represents a complete transformation into a form that is entirely
21 unrecognizable from the original training data.

22 The transformativeness of Meta’s use also extends to the post-training and fine-tuning
23 processes used with the Meta Language Models. Plaintiffs have not alleged that their works were
24 used as data in any post-training and fine-tuning processes for any Meta Language Model, but
25 nevertheless, post-training and fine-tuning processes similarly involve a highly transformative use
26 of the data used in those processes, both in terms of purpose and expression. The data used in post-
27 training and fine-tuning is used to fine tune model parameters to improve the performance, quality,
28 and behavior of the models and their responses. For example, in the post-training stage, “the model

1 is tuned to follow instructions, align with human preferences, and improve specific capabilities (for
 2 example, coding and reasoning).” The Llama 3 Herd of Models, p.1. In the post-training and fine-
 3 tuning processes (which will be discussed in more detail in expert discovery), post-training data is
 4 likewise used in a series of complex LLM training algorithms that further tailor the model
 5 parameters to improve the quality of responses and the ability of the model to perform various
 6 tasks. Post-training and fine-tuning processes also generally involve an amount of data that
 7 constitutes a fraction of the amount of data used in pre-training the model. Additionally, and for
 8 the same reasons, the transformativeness of Meta’s use also extends to research and evaluations
 9 (including ablation experiments) to assess the behavior and performance of the Meta Language
 10 Models. Plaintiffs likewise have not alleged that their works were used as data for research or
 11 evaluation of Meta Language Model, but nevertheless, the data used in these processes serves the
 12 transformative purpose of studying and improving model behavior, and furthering the research and
 13 development of the Meta Language Models.

14 As a further indication of the transformative nature, and the fact that the training process
 15 does not simply make a copy of the input dataset, the training process is so computationally
 16 complex that it requires an enormous amount of computing power. *See e.g.*,
 17 Meta_Kadrey_00000001-00000077, at 4 (“When training a 65B-parameter model, our code
 18 processes around 380 tokens/sec/GPU on 2048 A100 GPU with 80GB of RAM. This means that
 19 training over our dataset containing 1.4T tokens takes approximately 21 days.”).

20 Aside from its highly transformative nature, Meta’s alleged use also has substantial non-
 21 commercial, nonprofit, and educational (including research) purposes. Meta is investing billions
 22 of dollars in research and development of state-of-the-art LLM technology that it is then making
 23 available to the public. In particular, the training of the Meta Language Models resulted in Meta’s
 24 release of Llama 1, Llama 2, CodeLlama, and Llama 3, 3.1, and 3.2 to the open source
 25 community. These LLMs were provided openly to the public, pursuant to an open license that
 26 permits developers, researchers, and institutions (with the exception of licensees with more than
 27 700 million monthly active users) to use and modify the Llama models free of charge. *See e.g.*,
 28 Meta_Kadrey_00000160-00000162, Meta_Kadrey_00093275-00093284,

1 Meta_Kadrey_00093658-00093760. The open release of Llama has resulted in the Llama models
2 being downloaded hundreds of millions of times by researchers and developers from around the
3 world and has catalyzed development of new and improved AI tools and technologies. *See e.g.*,
4 Meta_Kadrey_00092978-00093308, Meta_Kadrey_00062157. The open and public release of
5 Llama has allowed the public to access highly capable LLM technologies that would otherwise be
6 available only to large organizations and/or at considerable expense. More broadly, Meta's
7 investment and open release is contributing to the U.S. economy, the emergence of a new and
8 important industry, and the U.S.'s global leadership of that industry over geopolitical
9 competitors. In that regard, Meta has agreed to permit members of the Five Eyes intelligence
10 alliance, namely, the United States, Canada, UK, Australia, and New Zealand, to use the Meta
11 Language Models. *See e.g.*, Meta_Kadrey_00213585.

12 Plaintiffs' allegedly infringed works were published prior to Meta's alleged use of those
13 works. And Meta's use of large volumes of texts was necessary to extract data regarding, e.g.,
14 word frequencies, grammar, and syntax from those works to generate new content. This
15 information constitutes either facts and ideas, which are not protectable by copyright, or is
16 otherwise unrelated to the purpose of copyright protection. Furthermore, given that training the
17 Meta Language Models requires terabytes of text, that greater volumes of text tends to improve
18 model performance on objective benchmarks measuring reasoning and knowledge of facts, and the
19 formats in which the text is available, it was reasonable for Meta to utilize copies of entire works
20 (as opposed to portions thereof), in particular given Meta's efforts to develop the models in a
21 manner that minimizes the likelihood that training data can be reproduced as model output. For
22 example, books data comprised only approximately 4.5% of tokens used to train Llama 1 and only
23 4.4% of tokens used to train Llama 2.

24 The ordinary market for Plaintiffs' works is the market for people to purchase and read the
25 books and, possibly, to create derivative works from those books, such as for audio books and film
26 and television adaptations. The Meta Language Models and their outputs do not serve as a market
27 substitute for the Plaintiffs' asserted works, do not compete with those works, and do not harm the
28 value of Plaintiffs' asserted works. Plaintiffs have produced no evidence to the contrary, such as

evidence of lost sales or other financial harm. To the contrary, plaintiffs have admitted that they are not aware of any such harm. *See e.g.*, T. Coates 9/6/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 15 (admitting, subject to objections, that Plaintiff is unaware of lost sales due to alleged infringement); J. Díaz 9/6/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 15 (same); C. Golden 8/28/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 15 (same); A. Greer 9/6/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 15 (same); D. Hwang 9/6/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 15 (same); R. Kadrey 8/28/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 15 (same); M. Klam 9/6/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 15 (same); L. Lippman 9/6/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 15 (same); S. Silverman 8/28/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 15 (same); R. Snyder 9/6/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 15 (same); J. Woodson 9/6/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 15 (same); L. TerKeurst 9/12/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 15 (similar); A. Greer 9/6/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 16 (admitting, subject to objections, that Plaintiff's book sales have not decreased due to the alleged use of Plaintiff's Asserted Works to train large language models); L. TerKeurst 9/6/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 16 (similar); T. Coates 9/19/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 18 (admitting, subject to objections, that Plaintiff is unaware of lost licensing opportunities due to alleged infringement); J. Díaz 9/19/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 18 (same); C. Golden 9/19/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 18 (same); A. Greer 9/19/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 18 (same); D. Hwang 9/19/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 18 (same); R. Kadrey 9/19/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 18 (same); M. Klam 9/19/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 18 (same); L. Lippman 9/19/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 18 (same); S. Silverman 9/19/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 18 (same); R. Snyder 9/19/2024 Resps. & Objs. to

Meta's 2nd Set of RFAs, Resp. to RFA No. 18 (same); J. Woodson 9/19/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 18 (same); L. TerKeurst 9/12/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA No. 18 (same); T. Coates 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA Nos. 22 and 23 (admitting, subject to objections, that Plaintiff is unaware of (1) persons reading text generated by Meta's Llama models as a substitute for Plaintiff's Asserted Works as described in RFA 22, and (2) documentary evidence of persons reading text generated by Meta's Llama models as substitute for Plaintiff's Asserted Works as described in RFA 23); J. Diaz 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA Nos. 22 and 23 (same); C. Golden 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA Nos. 22 and 23 (same); A. Greer 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA Nos. 22 and 23 (same); D. Hwang 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA Nos. 22 and 23 (same); R. Kadrey 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA Nos. 22 and 23 (same); M. Klam 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA Nos. 22 and 23 (same); L. Lippman 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA Nos. 22 and 23 (same); S. Silverman 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA Nos. 22 and 23 (same); R. Snyder 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA Nos. 22 and 23 (same); J. Woodson 7/22/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA Nos. 22 and 23 (same); L. TerKeurst 8/21/2024 Resps. & Objs. to Meta's 2nd Set of RFAs, Resp. to RFA Nos. 22 and 23 (similar); D. Hwang 9/16/2024 Dep. 254:7–13 (Mr. Hwang testifying that he did not know whether he had experienced any financial loss as a result of the alleged training of the Meta Language Models on his asserted works); D. Hwang 9/16/2024 Dep. 290:10–17, 291:22–292:4 (Mr. Hwang testifying that he was not aware of any lost sales of his asserted works due to the alleged infringement in the complaint); R. Kadrey 9/25/2024 Dep. 223:23–224:1 (Mr. Kadrey testifying that he was unaware of any injury other than purported harm of not receiving compensation from Meta); R. Kadrey 9/25/2024 Dep. 222:6–9 (Mr. Kadrey testifying that he was not aware of any lost sales of his asserted works due to the alleged infringement in the complaint); L. Lippman 9/17/2024 Dep. 339:3–10 (Ms. Lippman testifying that she is unaware of any financial harm that she has suffered as a result of conduct by

Meta alleged in the Complaint); A. Greer 9/24/2024 Dep. 120:21–121:10 (Mr. Greer testifying that he is unaware of any lost book sales or lost licensing opportunities as a result of Meta’s alleged infringement of his works, or whether it is possible that book sales have actually increased due to his participation in this lawsuit); S. Silverman 10/10/2024 Dep. 204:12–205:7, 296:10–297:2 (Ms. Silverman testifying that she is unaware of any evidence to suggest someone did not buy her book because they could generate a summary on a Meta AI tool, evidence of lost sales or lost licensing opportunities due to Meta’s conduct, or any instance in which another person did not seek to license her book because of Meta’s actions); T. Coates 11/21/2024 Dep. 123:19–125:25 (Mr. Coates testifying that he is unaware of any lost sales or lost licensing opportunities due to Meta’s LLMs); J. Díaz 11/20/2024 Dep. 337:22–339:6, 340:21–350:16 (Mr. Díaz testifying that he is unaware of any decrease in sales of his books or any monetary harm suffered due to Meta’s use of his books to train its Llama models) ; R. Snyder 12/11/2024 Rough Drft. Dep. 249:22–250:1, 250:14 251:1–253:5, 259:19–23 (Ms. Snyder testifying that she is unaware of any evidence of lost sales or lost licensing opportunities as a result of Meta’s conduct alleged in the Complaint); J. Woodson 9/30/2024 Dep. 383:14–20, 389:5–20 (Ms. Woodson testifying that she is unaware of any lost licensing opportunities, loss of income, or lost sales as a result of Meta’s conduct alleged in the Complaint); M. Klam 12/10/2024 Rough Drft. Dep. 325:21–326:3, 328:6-10, 330:13–16 (Mr. Klam testifying that he is unaware of any evidence that he lost sales of his asserted works or lost licensing opportunities as a result of Meta’s conduct alleged in the Complaint); C. Farnsworth 12/4/2024 Rough Drft. Dep. 138:20–139:8 (Mr. Farnsworth testifying that he could not point to any specific lost opportunity he suffered due to Meta’s release of its Llama model).

Moreover, there was no market for licensing Plaintiffs’ literary books as training data for LLMs at the time Meta first Llama 1 or at the time Plaintiffs’ filed their lawsuit, and there is no such market today. Plaintiffs have admitted as much in discovery. Moreover, testimony from Meta’s witnesses, including, by way of example, from Sy Choudhury, and Alex Boesenberg, indicate that there has not been, and is not a market for licensing books for AI training. *See e.g.*, S. Choudhury 12/5/2024 Dep. 20:6-22:21, 65:10-21; A. Boesenberg 11/18/2024 Dep. 381:14-22. Moreover, any particular book has no independent value as training data and/or is

1 interchangeable with countless other books. In any case, such a market would be for a
2 transformative use. It would also be impractical, if not impossible, for companies developing
3 LLMs to attempt to negotiate licenses with each individual book rights holder for various reasons,
4 including but not limited to the amount of time and cost necessary to do so would have precluded
5 development of the models in the first instance, in particular given the time and costs relative to the
6 de minimis value of individual works to the development of the models. In support, Meta intends
7 to rely on Plaintiffs' discovery responses and testimony, expert reports and testimony, percipient
8 witness testimony, as well as documents produced in this litigation

9 **INTERROGATORY NO. 17:**

10 If You or any of Your employees and/or agents intend to assert the advice of counsel
11 defense, state any and all facts upon which You or any of your employees and/or agents intend to
12 rely on for that contention.

13 **SECOND AMENDED RESPONSE TO INTERROGATORY NO. 17:**

14 Meta incorporates by reference its objections and definitions above.

15 Meta objects to this Interrogatory as vague and ambiguous as to the reference to "Your
16 employees and/or agents" with respect to any defense in this case, as no Meta employees or agents
17 are parties to this case.

18 Meta objects to this Interrogatory because it exceeds Plaintiffs' limit of 25 Interrogatories
19 under Rule 33(a)(1).

20 Subject to and without waiving the foregoing objections, Meta responds as follows: Meta
21 does not intend to assert the advice of counsel defense in this case.

1 Dated: December 13, 2024

COOLEY LLP

2 By: /s/ Judd Lauter

3 Bobby Ghajar
4 Mark Weinstein
5 Kathleen Hartnett
6 Phillip Morton
7 Judd Lauter
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PROOF OF SERVICE

I am a citizen of the United States and a resident of the State of California. I am employed in Los Angeles County, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is Cooley LLP, 355 South Grand Avenue, Suite 900, Los Angeles, CA 90071. On the date set forth below I served the documents described below in the manner described below:

- **DEFENDANT META PLATFORMS, INC.'S FURTHER SUPPLEMENTAL AND AMENDED RESPONSES AND OBJECTIONS TO PLAINTIFFS' SECOND SET OF INTERROGATORIES**



(BY ELECTRONIC MAIL) I am personally and readily familiar with the business practice of Cooley LLP for the preparation and processing of documents in portable document format (PDF) for e-mailing, and I caused said documents to be prepared in PDF and then served by electronic mail to the parties listed below.

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Executed on December 13, 2024, at Los Angeles, California.

/s/Jerry Gonzalez

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19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**

21 RICHARD KADREY, et al.,
22 Individual and Representative Plaintiffs,
23 v.
24 META PLATFORMS, INC., a Delaware
25 corporation;
26 Defendant.

Lead Case No. 3:23-cv-03417-VC
Related Case No. 4:23-cv-06663

**DEFENDANT META PLATFORMS, INC.'S
FIRST SUPPLEMENTAL RESPONSES AND
OBJECTIONS TO PLAINTIFFS' THIRD SET
OF INTERROGATORIES**

PROPOUNDING PARTY: PLAINTIFFS RICHARD KADREY, SARAH SILVERMAN, CHRISTOPHER GOLDEN, TA-NEHISI COATES, JUNOT DÍAZ, ANDREW SEAN GREER, DAVID HENRY HWANG, MATTHEW KLAM, LAURA LIPPMAN, RACHEL LOUISE SNYDER, JACQUELINE WOODSON, LYSA TERKEURST, AND CHRISTOPHER FARNSWORTH

RESPONDING PARTY: DEFENDANT META PLATFORMS, INC.

SET NUMBER: ONE THIRD

Pursuant to Federal Rule of Civil Procedure 33 and Local Rule 33, Defendant Meta Platforms, Inc. (“Meta”) responds as follows to Plaintiffs Richard Kadrey, Sarah Silverman, Christopher Golden, Ta-Nehisi Coates, Junot Díaz, Andrew Sean Greer, David Henry Hwang, Matthew Klam, Laura Lippman, Rachel Louise Snyder, Jacqueline Woodson, Lysa TerKeurst, and Christopher Farnsworth’s (“Plaintiffs”) Third Set of Interrogatories (“Interrogatories”).

I. RESPONSES TO ALL INTERROGATORIES

1. Meta’s responses to these Interrogatories are made to the best of Meta’s current employees’ present knowledge, information, and belief. Said responses are at all times subject to such additional or different information that discovery or further investigation may disclose and, while based on the present state of Meta’s recollection, is subject to such refreshing of recollection, and such additional knowledge of facts, as may result from Meta’s further discovery or investigation. Meta reserves the right to make any use of, or to introduce at any hearing and at trial, information and/or documents responsive to these Interrogatories but discovered subsequent to the date of these responses, including any such information or documents obtained in discovery herein.

2. To the extent that Meta responds to an Interrogatory by stating that Meta will provide information or documents that Meta deems to embody material that is private, business confidential, proprietary, trade secret, or otherwise protected from disclosure pursuant to Federal Rule of Civil Procedure 26(c) and/or Federal Rule of Evidence 501, Meta will only do so subject to the parties’ stipulated protective order governing the unauthorized use or disclosure of such information or documents with a designated “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL - ATTORNEYS’ EYES ONLY” or “HIGHLY CONFIDENTIAL – SOURCE CODE” distinction (ECF No. 90, the “Protective Order”).

3. Meta reserves all objections or other questions as to the competency, relevance, materiality, privilege or admissibility as evidence in any subsequent proceeding in or trial of this or any other action for any purpose whatsoever of Meta's responses herein and any document or thing identified or provided in response to the Interrogatories.

II. OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

Whether or not separately set forth in response to each Interrogatory, Meta makes the following objections to Plaintiffs' Instructions and Definitions:

1. Meta objects to all defined terms to the extent that they are not utilized in Plaintiffs' Second Set of Interrogatories.

2. Meta objects to the definition of "Communications" to the extent it is inconsistent with and otherwise seeks to circumvent the custodian and search term limits for electronic communications (including emails and other electronic correspondence, and documents attached thereto), as provided in the Stipulated Protocol regarding Electronic Discovery ("ESI Order"). Meta will produce Documents, including Communications, pursuant to the terms of the ESI Order, and any agreement to produce such Documents is explicitly in view of the terms of the ESI Order. To the extent that Meta responds to a Request, including by agreeing to search for relevant, non-privileged communications in Meta's possession, custody, or control, such response is not a representation that any particular custodian or search term is appropriate. Meta expressly reserves the right to object to any custodians and search terms proposed by Plaintiffs.

3. Meta objects to the definition of "Describe" as overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent that it purports to require more of Meta than any obligation imposed by law, and would subject Meta to unreasonable and undue burden and expense. Meta also objects to the definition of "Describe" as vague, ambiguous, and unintelligible as to the phrase "desirable to support such statement or make the description complete." Meta construes "Describe" to mean provide a detailed narrative statement or description of specific facts.

4. Meta objects to the definition of "Llama Models" as vague and ambiguous as to the terms and phrases "other AI models," "instances," "iterations," "versions," "updates," "modifications," "original version," "experimental versions," "subsequent versions," and

1 “refinements to the underlying algorithm, parameters, or architecture,” as applied to Llama and
2 “any other AI models developed or in development by Meta.” Meta further objects to this definition
3 as overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent that
4 it purports to require Meta to produce documents concerning large language models (“LLMs”) that
5 were not publicly released and/or were not trained on corpuses of text that allegedly include any of
6 Plaintiffs’ allegedly copyrighted works. For the same reason, Meta objects to this definition to the
7 extent that it purports to require Meta to produce documents that are not relevant to any party’s
8 claims or defenses. Meta construes “Llama Models” to mean the models within the Llama family
9 of LLMs publicly released by Meta, namely, Llama 1, Llama 2, Code Llama, and Llama 3.

10 5. Meta objects to the definitions of “Llama 1,” “Llama 2,” and “Llama 3” as vague
11 and ambiguous as to the undefined terms “precursor models” and “variant models.” Meta further
12 objects to these definitions as overbroad, unduly burdensome, and disproportionate to the needs of
13 the case to the extent that it purports to require Meta to produce documents or information
14 concerning LLMs that were not publicly released and/or were not trained on corpuses of text that
15 include any of Plaintiffs’ allegedly copyrighted works. For the same reason, Meta objects to these
16 definitions to the extent that they purport to require Meta to produce documents or information
17 concerning LLMs that are not relevant to any party’s claims or defenses. For purposes of these
18 responses, Meta construes the term “Llama 1” to refer to the LLM released by Meta as Llama on
19 February 24, 2023, the term “Llama 2” to refer to the LLM released by Meta under that name on
20 July 18, 2023, and the term “Llama 3” to refer to the LLMs released by Meta under that name on
21 April 18, 2024, July 23, 2024, and September 25, 2024.

22 6. Meta objects to the definition of “Meta” as overbroad, unduly burdensome, and
23 disproportionate to the needs of the case to the extent that it purports to require Meta to produce
24 documents outside of its possession, custody, or control. Meta construes “Meta” or “You” to mean
25 Meta Platforms, Inc.

26 7. Meta objects to the definition of “Relevant Period” as vague, ambiguous, and
27 unintelligible, as it is defined circularly to mean “all times relevant to ... the Complaint.” Meta
28 construes the Relevant Period to mean January 1, 2022 to the present.

1 **8.** Meta objects to the definition of “Shadow Dataset(s)” as vague and ambiguous as
2 to the phrasing “the type of databases described in paragraph 37 of the Complaint—databases
3 including but not limited to . . .” and “encompass all versions, updates, augmentations, or
4 modifications of such databases.” Without any admission with respect to their content or nature,
5 Meta construes the term “Shadow Dataset(s)” as used in the Requests and the term “Third Party
6 Datasets” synonymously to refer to the third party datasets that are commonly referred to as
7 Books3, Z-Library (aka B-ok), Library Genesis, Bibliotik, Anna’s Archive, and The Pile.

8 **9.** Meta objects to the definition of “SRT” to the extent it characterizes Meta’s SRT
9 platform as being used to track “business” issues. Meta construes “SRT” to refer to Meta’s SRT
10 platform.

11 **10.** Meta objects to the definitions of “Train” and “Training” as vague, ambiguous,
12 overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent these
13 terms refer to processes other than pretraining or post-training processes. Meta construes “Train”
14 and “Training” to refer to pretraining and post-training processes.

15 **11.** Meta objects to Instruction 1 to the extent that it purports to require more of Meta
16 than any obligation imposed by law, and would subject Meta to unreasonable and undue burden
17 and expense. Meta will supplement or amend its responses to these Interrogatories in accordance
18 with Meta’s obligations under Rule 26(e).

19 **12.** Meta objects to Instruction 2, which defines the “Relevant Period” as January 1,
20 2000 to the present. Such definition is overbroad, unduly burdensome, and disproportionate to the
21 needs of the case because it both precedes the existence of Facebook (and therefore Meta) by
22 several years, and the development of the Meta Language Models by decades. For the same reason,
23 the definition of “Relevant Period,” as applied to the Interrogatories, would encompass information
24 that is irrelevant to the parties’ claims and defenses. The Instruction is also inconsistent with the
25 definition of “Relevant Period” provided on page 3 of the Interrogatories and is therefore vague
26 and ambiguous. Meta construes the Relevant Period to mean January 1, 2022 to the present.

27 **13.** Meta objects to Instruction 5 (referring to Fed. R. Civ. P. Rule 33(d)) on the ground
28 that it purports to require more of Meta than any obligation imposed by law, and would subject

Meta to unreasonable and undue burden and expense.

14. Meta objects to Instruction 6 (outlining additional obligations for allegedly incomplete responses) to the extent that it purports to require Meta to investigate information outside of its possession, custody, or control.

15. Meta objects to Instruction 7 (outlining additional obligations for any privilege objection or work product objection) on the ground that it purports to require more of Meta than any obligation imposed by law, would subject Meta to unreasonable and undue burden and expense, and would itself require disclosure of information protected by attorney-client privilege and/or attorney work product doctrine.

16. Meta objects to Instruction 8 (building in a separate question for each Interrogatory) on the ground that it purports to require more of Meta than any obligation imposed by law, seeks disclosure of information protected by attorney-client privilege and/or attorney work product doctrine, and seeks to circumvent Plaintiffs' interrogatory limit.

17. Meta objects to Instruction 10 (purporting to require responses for "all predecessors, successors, subsidiaries ... divisions and/or affiliates of Meta"), on the ground that it purports to require more of Meta than any obligation imposed by law, and would subject Meta to unreasonable and undue burden and expense. Meta further objects to Instruction 11 to the extent that it purports to require Meta to investigate information outside of its possession, custody, or control. As such, the Instruction is overly broad as well. Subject to any objections applicable to a particular Interrogatory, Meta will conduct a reasonable, proportionate search for non-privileged, relevant, responsive information within its possession, custody, or control.

18. In responding to all Interrogatories, Meta will comply with the requirements of the Federal Rules of Evidence and Federal Rule of Civil Procedure 26.

III. OBJECTIONS AND RESPONSES TO INDIVIDUAL INTERROGATORIES

INTERROGATORY NO. 19:

Describe the total revenue You have received and forecast or otherwise expect you will receive from the distribution or use of Llama Models since the start of their development, including by way of any direct sales, licensing fees, or other financial or in-kind benefits.

RESPONSE TO INTERROGATORY NO. 19:

Meta incorporates by reference its objections and definitions above.

Meta objects to this Interrogatory as vague and ambiguous as to the term “distribution” and the phrasing “since the start of their development” (as it relates to actual revenues), “direct sales,” and “other financial or in-kind benefits.” Meta construes this Interrogatory as seeking information concerning Meta’s actual and projected revenue associated with the Llama Models (as construed above).

Meta objects to this Interrogatory on the ground that it is overbroad, unduly burdensome, and disproportionate to the needs of the case and seeks information that is not relevant to the parties’ claims and defenses.

Meta objects to this Interrogatory as exceeding the limit of 25 Interrogatories under Rule 33(a)(1). Meta informed Plaintiffs in connection with its objections to their Plaintiffs’ prior sets of Interrogatories that those interrogatories included numerous discrete subparts, far exceeding 25 total. Nonetheless, and without waiver of its objections, Meta provided its responses to the prior interrogatories or is in the process of supplementing them. Without leave of Court, Plaintiffs served additional interrogatories exceeding the limit. By answering interrogatories “19-25,” Meta does not waive its rights or objections as to Plaintiffs’ violation of Rule 33(a)(1).

Subject to and without waiving the foregoing objections, and pursuant to the terms of the Protective Order and the ESI , Meta responds as follows:

Pursuant to Rule 33(d), Meta refers Plaintiffs to the following documents:

Meta_Kadrey_00089020, Meta_Kadrey_00092364, and Meta_Kadrey_00093345, Meta_Kadrey_00093571.

In response to Plaintiffs’ Fifth Set of Requests for Production of Documents, Meta has conducted an additional search for non-privileged documents in its possession, custody, or control sufficient to show Meta’s actual and/or projected revenue associated with the Llama Models (as construed above), if any. Meta will amend its response to this Interrogatory to identify such documents, if any, after they have been produced.

Meta’s First Supplemental Response to Interrogatory No. 19:

1 **This response is designated as Highly Confidential – Attorney’s Eyes Only under the**
2 **Protective Order.**

- 3 • [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED], [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 • [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED] [REDACTED]
17 [REDACTED]

18 Meta further identifies Meta_Kadrey_00156462, which reflects updated financial forecasts,
19 including revenues, associated with Meta’s generative AI initiatives.

20 **INTERROGATORY NO. 20:**

21 Describe any partnerships or collaborations related to the Llama Models You have entered
22 with third parties that have resulted in financial benefits, including the details of such arrangements,
23 such as financial terms, revenue or in-kind benefits received in relation to them.

24 **RESPONSE TO INTERROGATORY NO. 20:**

25 Meta incorporates by reference its objections and definitions above.

26 Meta objects to this Interrogatory as vague and ambiguous as to the phrases “partnerships
27 or collaborations,” “financial benefits,” and “in-kind benefits.” Meta construes this Request as
28

1 seeking documents concerning revenues generated by Meta from its agreements with third parties
2 concerning use of the Llama Models (as construed above).

3 Meta objects to this Interrogatory on the ground that it is overbroad, unduly burdensome,
4 and disproportionate to the needs of the case and seeks information that is not relevant to the parties'
5 claims and defenses.

6 Meta objects to this Interrogatory as exceeding the limit of 25 Interrogatories under Rule
7 33(a)(1). Meta informed Plaintiffs in connection with its objections to their Plaintiffs' prior sets
8 of Interrogatories that those interrogatories included numerous discrete subparts, far exceeding 25
9 total. Nonetheless, and without waiver of its objections, Meta provided its responses to the prior
10 interrogatories or is in the process of supplementing them. Without leave of Court, Plaintiffs
11 served additional interrogatories exceeding the limit. By answering interrogatories "19-25," Meta
12 does not waive its rights or objections as to Plaintiffs' violation of Rule 33(a)(1).

13 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
14 Protective Order and the ESI , Meta responds as follows:

15 **This response is designated as Confidential under the Protective Order.**

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 **Meta's First Supplemental Response to Interrogatory No. 20:**

22 Meta identifies Meta_Kadrey_00212903, Meta_Kadrey_00213257,
23 Meta_Kadrey_00212679, Meta_Kadrey_00212864, and Meta_Kadrey_00212689 as Meta's
24 collaboration agreement with Amazon; Meta_Kadrey_00212710, Meta_Kadrey_00213055, and
25 Meta_Kadrey_00213435 as Meta's collaboration agreement with Google; and
26 Meta_Kadrey_00213281, Meta_Kadrey_00213303, as Meta's collaboration agreement with
27 Microsoft.

28 **This response is designated as Confidential under the Protective Order.**

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED] [REDACTED] [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
 8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
 9 [REDACTED] [REDACTED]
 10 [REDACTED]
 11 [REDACTED]

12 **INTERROGATORY NO. 21:**

13 Identify all Person(s) involved in the decision to use Shadow Datasets to train Llama
 14 Models.

15 **RESPONSE TO INTERROGATORY NO. 21:**

16 Meta incorporates by reference its objections and definitions above.

17 Meta objects to this Interrogatory as vague and ambiguous as to the phrase “involved in,”
 18 which could refer to anyone who had any role in use of such datasets. Meta construes this
 19 Interrogatory as seeking the identities of any individuals who had a direct role in the approval of
 20 Meta’s use of such datasets.

21 Meta objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate
 22 to the needs of the case and seeks information that is not relevant to the parties’ claims and defenses,
 23 in particular to the extent it seeks information concerning individuals whom had no significant
 24 involvement in approving use of a particular dataset.

25 Meta objects to this Interrogatory to the extent that it seeks information that is not within
 26 Meta’s possession, custody, or control.

27 Meta objects to this Interrogatory as exceeding the limit of 25 Interrogatories under Rule
 28 33(a)(1). Meta informed Plaintiffs in connection with its objections to their Plaintiffs’ prior sets

1 of Interrogatories that those interrogatories included numerous discrete subparts, far exceeding 25
 2 total. Nonetheless, and without waiver of its objections, Meta provided its responses to the prior
 3 interrogatories or is in the process of supplementing them. Without leave of Court, Plaintiffs
 4 served additional interrogatories exceeding the limit. By answering interrogatories “19-25,” Meta
 5 does not waive its rights or objections as to Plaintiffs’ violation of Rule 33(a)(1).

6 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
 7 Protective Order, Meta responds as follows:

8 **This response is designated as Highly Confidential – Attorney’s Eyes Only under the**
 9 **Protective Order.**

10 [REDACTED]

11 [REDACTED]

- 12 • [REDACTED]
- 13 • [REDACTED]
- 14 • [REDACTED]
- 15 • [REDACTED]
- 16 • [REDACTED]
- 17 • [REDACTED]
- 18 • [REDACTED]
- 19 • [REDACTED]
- 20 • [REDACTED]
- 21 • [REDACTED]
- 22 • [REDACTED]
- 23 • [REDACTED]
- 24 • [REDACTED] [REDACTED]
- 25 • [REDACTED]
- 26 • [REDACTED]
- 27 • [REDACTED]

28 **INTERROGATORY NO. 22:**

1 Describe any efforts You have made to obtain licenses or any similar permissions to use
2 Shadow Datasets, or the works contained therein, to train Llama Models.

3 **RESPONSE TO INTERROGATORY NO. 22:**

4 Meta incorporates by reference its objections and definitions above.

5 Meta objects to this Interrogatory as vague and ambiguous as to the term “works” and the
6 phrases “similar permissions” and “the works contained therein.” Meta construes this Interrogatory
7 as seeking information concerning Meta’s efforts, if any, to obtain licenses or other consent to use
8 the Third Party Datasets as training data for the Llama Models (as construed above).

9 Meta objects to this Interrogatory to the extent it implicitly assumes that licenses or
10 permission are required for use of the Third Party Datasets to train the Llama Models (as construed
11 above).

12 Meta objects to this Interrogatory because, on its face, it does not exclude legal advice or
13 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine, in
14 particular to the extent that the subject matter of the Interrogatory encompasses internal
15 deliberations between or among Meta attorneys concerning actual or contemplated contract
16 provisions.

17 Meta objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate
18 to the needs of the case and seeks information that is not relevant to the parties’ claims and defenses,
19 in particular to the extent it seeks information concerning licenses or consent to use works other
20 than literary works as training data for the Llama Models (as construed above).

21 Meta objects to this Interrogatory as exceeding the limit of 25 Interrogatories under Rule
22 33(a)(1). Meta informed Plaintiffs in connection with its objections to their Plaintiffs’ prior sets
23 of Interrogatories that those interrogatories included numerous discrete subparts, far exceeding 25
24 total. Nonetheless, and without waiver of its objections, Meta provided its responses to the prior
25 interrogatories or is in the process of supplementing them. Without leave of Court, Plaintiffs
26 served additional interrogatories exceeding the limit. By answering interrogatories “19-25,” Meta
27 does not waive its rights or objections as to Plaintiffs’ violation of Rule 33(a)(1).

28 Subject to and without waiving the foregoing objections, and pursuant to the terms of the

1 Protective Order, Meta responds as follows:

2 **This response is designated as Confidential under the Protective Order.**

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]

6 **INTERROGATORY NO. 23:**

7 Identify all sources from which You have obtained Shadow Datasets.

8 **RESPONSE TO INTERROGATORY NO. 23:**

9 Meta incorporates by reference its objections and definitions above.

10 Meta objects to this Interrogatory to the extent that it seeks information that is not within
11 Meta's possession, custody, or control.

12 Meta objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate
13 to the needs of the case and seeks information that is not relevant to the parties' claims and defenses,
14 in particular to the extent it seeks information concerning datasets that were not used to train the
15 Llama Models (as construed above) and the identity of every source from which a given dataset
16 may have been obtained at any time.

17 Meta objects to this Interrogatory as exceeding the limit of 25 Interrogatories under Rule
18 33(a)(1). Meta informed Plaintiffs in connection with its objections to their Plaintiffs' prior sets
19 of Interrogatories that those interrogatories included numerous discrete subparts, far exceeding 25
20 total. Nonetheless, and without waiver of its objections, Meta provided its responses to the prior
21 interrogatories or is in the process of supplementing them. Without leave of Court, Plaintiffs
22 served additional interrogatories exceeding the limit. By answering interrogatories "19-25," Meta
23 does not waive its rights or objections as to Plaintiffs' violation of Rule 33(a)(1).

24 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
25 Protective Order, Meta responds as follows:

26 **This response is designated as Highly Confidential – Attorney's Eyes Only under the**
27 **Protective Order.**

28 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 **INTERROGATORY NO. 24:**

6 Identify all individuals, including current and former employees, who work or have worked
7 on securing licenses for data or material You have used, have planned to use, or plan to use to train
8 Llama Models.

9 **RESPONSE TO INTERROGATORY NO. 24:**

10 Meta incorporates by reference its objections and definitions above.

11 Meta objects to this Interrogatory as vague and ambiguous as to the phrasing “who worked
12 on securing,” which could encompass any number of individuals who lack material knowledge of
13 Meta’s data licensing efforts. Meta also objects to the terms “data” and “material” as vague,
14 ambiguous, indefinite, overbroad, and disproportionate to the needs of the case, in particular to the
15 extent it refers to training data other than text. Meta construes this Interrogatory as seeking
16 information concerning the identities of Meta employees who were directly involved in and had
17 responsibility for securing licenses, if any, for text data to train the Llama Models (as construed
18 above).

19 Meta objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate
20 to the needs of the case and seeks information that is not relevant to the parties’ claims and defenses.

21 Meta objects to this Interrogatory as exceeding the limit of 25 Interrogatories under Rule
22 33(a)(1). Meta informed Plaintiffs in connection with its objections to their Plaintiffs’ prior sets
23 of Interrogatories that those interrogatories included numerous discrete subparts, far exceeding 25
24 total. Nonetheless, and without waiver of its objections, Meta provided its responses to the prior
25 interrogatories or is in the process of supplementing them. Without leave of Court, Plaintiffs
26 served additional interrogatories exceeding the limit. By answering interrogatories “19-25,” Meta
27 does not waive its rights or objections as to Plaintiffs’ violation of Rule 33(a)(1).

28 Subject to and without waiving the foregoing objections, and pursuant to the terms of the

Protective Order, Meta identifies the following Meta employees as having been directly involved in and having responsibility for securing licenses, if any, for text data to train the Llama Models:

This response is designated as Confidential under the Protective Order.

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

INTERROGATORY NO. 25:

Identify all Meta employees who communicated with third parties—including Microsoft Corporation, OpenAI, Eleuther AI, Anthropic, Dell Inc., Cloudflare, Inc. and Qualcomm—regarding data used to train Llama Models.

RESPONSE TO INTERROGATORY NO. 25:

Meta incorporates by reference its objections and definitions above.

Meta objects to this Interrogatory as vague, ambiguous, indefinite, overbroad, and disproportionate to the needs of the case as to the term “third parties.” Meta construes this term in

1 the context of this Interrogatory to mean Microsoft Corporation, OpenAI, Eleuther AI, Anthropic,
2 Dell Inc., Cloudflare, Inc. and Qualcomm.

3 Meta also objects to the term “data” as vague, ambiguous, indefinite, overbroad, and
4 disproportionate to the needs of the case, in particular to the extent it refers to training data other
5 than text. Meta construes this Interrogatory as seeking information concerning the identities of
6 Meta employees who were directly involved in and had responsibility for securing licenses, if
7 any, for text data to train the Llama Models (as construed above). Meta construes the term “data”
8 to mean text data.

9 Meta objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate
10 to the needs of the case and seeks information that is not relevant to the parties’ claims and
11 defenses.

12 Meta objects to this Request as improperly seeking discovery on discovery.

13 Meta objects to this Interrogatory as exceeding the limit of 25 Interrogatories under Rule
14 33(a)(1). Meta informed Plaintiffs in connection with its objections to their Plaintiffs’ prior sets
15 of Interrogatories that those interrogatories included numerous discrete subparts, far exceeding 25
16 total. Nonetheless, and without waiver of its objections, Meta provided its responses to the prior
17 interrogatories or is in the process of supplementing them. Without leave of Court, Plaintiffs
18 served additional interrogatories exceeding the limit. By answering interrogatories “19-25,” Meta
19 does not waive its rights or objections as to Plaintiffs’ violation of Rule 33(a)(1).

20 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
21 Protective Order, Meta responds as follows:

22 Meta is presently unaware of any Meta employees who communicated with Microsoft
23 Corporation, OpenAI, Eleuther AI, Anthropic, Dell Inc., Cloudflare, Inc. and Qualcomm
24 regarding text training data used to train the Llama Models. Meta is aware that Mr. Dettmers
25 communicated with EleutherAI about training data for a model unrelated to the Llama Models.
26 However, Meta is in the process of completing a reasonable investigation concerning the subject
27 matter of this Interrogatory and will, if necessary, supplement its response in due course.

28 **Meta’s First Supplemental Response to Interrogatory No. 25:**

1 **This response is designated as Confidential under the Protective Order.**

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5

6 Dated: December 13, 2024

COOLEY LLP

7 By: /s/ Judd Lauter

8 Bobby Ghajar
9 Mark Weinstein
10 Kathleen Hartnett
11 Judd Lauter
12 Liz Stameshkin
13 Colette Ghazarian

14 LEX LUMINA PLLC
15 Mark A. Lemley

16 CLEARY GOTTlieb STEEN &
17 HAMILTON LLP
18 Angela L. Dunning
19 Attorneys for Defendant
20 META PLATFORMS, INC.

PROOF OF SERVICE

I am a citizen of the United States and a resident of the State of California. I am employed in Los Angeles County, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is Cooley LLP, 355 South Grand Avenue, Suite 900, Los Angeles, CA 90071. On the date set forth below I served the documents described below in the manner described below:

- **DEFENDANT META PLATFORMS, INC.'S FIRST SUPPLEMENTAL RESPONSES AND OBJECTIONS TO PLAINTIFFS' THIRD SET OF INTERROGATORIES**



(BY ELECTRONIC MAIL) I am personally and readily familiar with the business practice of Cooley LLP for the preparation and processing of documents in portable document format (PDF) for e-mailing, and I caused said documents to be prepared in PDF and then served by electronic mail to the parties listed below.

on the following part(ies) in this action:

Executed on December 13, 2024, at Los Angeles, California.

/s/Jerry Gonzalez

Jerry Gonzalez

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